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COMPARATIVE DISPLAY
OF THE
DIFFERENT OPINIONS
ON THE
FRENCH REVOLUTION.

LONDON:

PRINTED BY J. JOHNSON, ST. PAUL'S CHURCH-YARD.

1790.

1790.

COMPARATIVE DISPLAY

OF THE

DIFFERENT OPINIONS

ON THE

FRENCH REVOLUTION.

A
COMPARATIVE DISPLAY
OF THE
DIFFERENT OPINIONS
OF THE
MOST DISTINGUISHED BRITISH WRITERS
ON THE SUBJECT OF THE
FRENCH REVOLUTION.

IN TWO VOLUMES.

V O L. II.

I will hear BRUTUS speak——

I will hear CASSIUS, and compare their reasons.

SHAKSPEARE.

L O N D O N:

PRINTED FOR J. DEBRETT,
OPPOSITE BURLINGTON HOUSE, PICCADILLY.

M.DCC.XCIII.

COMPARATIVE DISPLAY

OF THE

DIFFERENT OPINIONS

OF THE

MOST DISTINGUISHED BRITISH WRITERS

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Staatsbibliothek
München

A

COMPARATIVE DISPLAY, &c.

*Reformation of the Ecclesiastical Establishment in
France—Seizure of the Ecclesiastical Possessions
—Suppression of Monastic Institutions, &c.*

MR. BURKE.

THE present ruling power has shewn a disposition only to plunder the church. It has punished *all* prelates, which is to favour the vicious, at least in point of reputation. It has made a degrading pensionary establishment, to which no man of liberal ideas, or liberal condition, will destine his children. It must settle into the lowest classes of the people.—As with you the inferior clergy are not numerous enough for their duties; as these duties are, beyond measure, minute and toilsome; as you have left no middle classes of clergy at their ease, in future nothing of science

Reflections
on the Re-
volution in
France, &c.

Mr. Burke.

or erudition can exist in the Gallican church. To complete the project, without the least attention to the rights of patrons, the assembly has provided in future an elective clergy ; an arrangement which will drive out of the clerical profession all men of sobriety ; all who can pretend to independence in their function or their conduct ; and which will throw the whole direction of the public mind into the hands of a set of licentious, bold, crafty, factious, flattering wretches, of such condition and such habits of life as will make their contemptible pensions (in comparison of which the stipend of an exciseman is lucrative and honourable) an object of low and illiberal intrigue. Those officers, whom they still call bishops, are to be elected to a provision comparatively mean, through the same arts (that is, electioneering arts), by men of all religious tenets that are known or can be invented. The new lawgivers have not ascertained any thing whatsoever concerning their qualifications, relative either to doctrine or to morals ; no more than they have done with regard to the subordinate clergy ; nor does it appear but that both the higher and the lower may, at their discretion, practise or preach any mode of religion or irreligion that they please. I do not yet see what the jurisdiction of bishops over their subordinates is to be ; or whether they are to have any jurisdiction at all.

In short, Sir, it seems to me, that this new ecclesiastical establishment is intended only to be temporary, and preparatory to the utter abolition,
under

under any of its forms, of the Christian religion, Mr. Burke.
 whenever the minds of men are prepared for this
 last stroke against it, by the accomplishment of the
 plan for bringing its ministers into universal con-
 tempt. They who will not believe, that the philo-
 sophical fanatics who guide in these matters, have
 long entertained such a design, are utterly ignorant
 of their character and proceedings. These enthusi-
 asts do not scruple to avow their opinion, that a
 state can subsist without any religion better than
 with one; and that they are able to supply the
 place of any good which may be in it, by a pro-
 ject of their own—namely, by a sort of education
 they have imagined, founded in a knowledge of
 the physical wants of men; progressively carried
 to an enlightened self-interest, which, when well
 understood, they tell us will identify with an inte-
 rest more enlarged and public. The scheme of
 this education has been long known. Of late they
 distinguish it (as they have got an entire new no-
 menclature of technical terms), by the name of a
Civic Education.

I hope their partizans in England (to whom I
 rather attribute very inconsiderate conduct than
 the ultimate object in this detestable design) will
 succeed neither in the pillage of the ecclesiastics,
 nor in the introduction of a principle of popular
 election to our bishoprics and parochial cures.
 This, in the present condition of the world, would
 be the last corruption of the church; the utter ruin
 of the clerical character; the most dangerous shock

Mr. Burke.

that the state ever received through a misunderstood arrangement of religion. I know well enough that the bishoprics and cures, under kingly and seignoral patronage, as now they are in England, and as they have been lately in France, are sometimes acquired by unworthy methods; but the other mode of ecclesiastical canvas subjects them infinitely more surely and more generally to all the evil arts of low ambition, which, operating on and through greater numbers, will produce mischief in proportion.

Those of you who have robbed the clergy, think that they shall easily reconcile their conduct to all protestant nations; because the clergy, whom they have thus plundered, degraded, and given over to mockery and scorn, are of the Roman Catholic, that is, of *their own* pretended persuasion. I have no doubt that some miserable bigots will be found here as well as elsewhere, who hate sects and parties different from their own, more than they love the substance of religion; and who are more angry with those who differ from them in their particular plans and systems, than displeased with those who attack the foundation of our common hope. These men will write and speak on the subject in the manner that is to be expected from their temper and character. Burnet says, that when he was in France, in the year 1683, “ the method which carried over the men of the
“ finest parts to popery was this—they brought
“ themselves to doubt of the whole Christian re-
“ ligion.

“ligion. When that was once done, it seemed a
 “more indifferent thing of what side or form they
 “continued outwardly.” If this was then the
 ecclesiastic policy of France, it is what they have
 since but too much reason to repent of. They
 preferred atheism to a form of religion not agree-
 able to their ideas. They succeeded in destroying
 that form ; and atheism has succeeded in destroy-
 ing them. I can readily give credit to Burnet’s
 story ; because I have observed too much of a
 similar spirit (for a little of it “is much too much”)
 amongst ourselves. The humour, however, is
 not general.

Mr. Burke.

The teachers who reformed our religion in Eng-
 land bore no sort of resemblance to your present
 reforming doctors in Paris. Perhaps they were
 (like those whom they opposed) rather more than
 could be wished under the influence of a party
 spirit ; but they were most sincere believers ; men
 of the most fervent and exalted piety ; ready to
 die (as some of them did die), like true heroes in
 defence of their particular ideas of Christianity ;
 as they would with equal fortitude, and more
 cheerfully, for that stock of general truth, for the
 branches of which they contended with their blood.
 These men would have disavowed with horror
 those wretches who claimed a fellowship with them
 upon no other titles than those of their having pil-
 laged the persons with whom they maintained con-
 troversies, and their having despised the common
 religion, for the purity of which they exerted them-

Mr. Burke. selves with a zeal, which unequivocally bespoke their highest reverence for the substance of that system which they wished to reform. Many of their descendants have retained the same zeal; but (as less engaged in conflict) with more moderation. They do not forget that justice and mercy are substantial parts of religion. Impious men do not recommend themselves to their communion by iniquity and cruelty towards any description of their fellow creatures.

We hear these new teachers continually boasting of the spirit of toleration. That those persons should tolerate all opinions, who think none to be of estimation, is a matter of small merit. Equal neglect is not impartial kindness. The species of benevolence, which arises from contempt, is no true charity. There are in England abundance of men who tolerate in the true spirit of toleration. They think the dogmas of religion, though in different degrees, are all of moment; and that amongst them there is, as amongst all things of value, a just ground of preference. They favour, therefore, and they tolerate. They tolerate, not because they despise opinions, but because they respect justice. They would reverently and affectionately protect all religions, because they love and venerate the great principle upon which they all agree, and the great object to which they are all directed. They begin more and more plainly to discern, that we have all a common cause, as against a common enemy. They will
 6 not

not be so misled by the spirit of faction, as not to distinguish what is done in favour of their subdivision, from those acts of hostility, which, through some particular description, are aimed at the whole corps, in which they themselves, under another denomination, are included. It is impossible for me to say what may be the character of every description of men amongst us. But I speak for the greater part; and for them, I must tell you, that sacrilege is no part of their doctrine of good works; that, so far from calling you into their fellowship on such title, if your professors are admitted to their communion, they must carefully conceal their doctrine of the lawfulness of the proscription of innocent men; and that they must make restitution of all stolen goods whatsoever. Till then they are none of ours.

You may suppose that we do not approve your confiscation of the revenues of bishops, and deans, and chapters, and parochial clergy possessing independent estates arising from land, because we have the same sort of establishment in England. That objection, you will say, cannot hold as to the confiscation of the goods of monks and nuns, and the abolition of their order. It is true, that this particular part of your general confiscation does not affect England, as a precedent in point: but the reason applies; and it goes a great way. The long parliament confiscated the lands of deans and chapters in England on the same ideas upon which your assembly set to sale the lands of the

Mr. Burke. monastic orders. But it is in the principle of injustice that the danger lies, and not in the description of persons on whom it is first exercised. I see, in a country very near us, a course of policy pursued, which sets justice, the common concern of mankind, at defiance. With the national assembly of France, possession is nothing; law and usage are nothing. I see the national assembly openly reprobate the doctrine of prescription, which * one of the greatest of their own lawyers tells us, with great truth, is a part of the law of nature. He tells us, that the positive ascertainment of its limits, and its security from invasion, were among the causes for which civil society itself has been instituted. If prescription be once shaken, no species of property is secure, when it once becomes an object large enough to tempt the cupidity of indigent power. I see a practice perfectly correspondent to their contempt of this great fundamental part of natural law. I see the confiscators begin with bishops, and chapters, and monasteries; but I do not see them end there. I see the princes of the blood, who, by the oldest usages of that kingdom, held large landed estates (hardly with the compliment of a debate), deprived of their possessions, and, in lieu of their stable independent property, reduced to the hope of some precarious, charitable pension, at the pleasure of an assembly, which of course will pay little regard to the rights of pensioners at pleasure, when it

* Domat.

despises those of legal proprietors. Flushed with the insolence of their first inglorious victories, and pressed by the distresses caused by their lust of unhallowed lucre, disappointed but not discouraged, they have at length ventured completely to subvert all property of all descriptions throughout the extent of a great kingdom. They have compelled all men, in all transactions of commerce, in the disposal of lands, in civil dealing, and through the whole communion of life, to accept as perfect payment and good and lawful tender, the symbols of their speculations on a projected sale of their plunder. What vestiges of liberty or property have they left? The tenant-right of a cabbage-garden, a year's interest in a hovel, the good-will of an ale-house, or a baker's shop, the very shadow of a constructive property, are more ceremoniously treated in our parliament than with you the oldest and most valuable landed possessions, in the hands of the most respectable personages, or than the whole body of the monied and commercial interest of your country. We entertain an high opinion of the legislative authority; but we have never dreamed that parliaments had any right whatever to violate property, to over-rule prescription, or to force a currency of their own fiction in the place of that which is real, and recognized by the law of nations. But you, who began with refusing to submit to the most moderate restraints, have ended by establishing an unheard-of despotism. I find the ground upon which your confiscators go is

this;

Mr. Burke.

Mr. Burke. this; that indeed their proceedings could not be supported in a court of justice; but that the rules of prescription cannot bind a legislative assembly*. So that this legislative assembly of a free nation sits, not for the security, but for the destruction of property, and not of property only, but of every rule and maxim which can give it stability, and of those instruments which can alone give it circulation.

When the Anabaptists of Munster, in the sixteenth century, had filled Germany with confusion by their system of levelling and their wild opinions concerning property, to what country in Europe did not the progress of their fury furnish just cause of alarm? Of all things, wisdom is the most terrified with epidemical fanaticism, because of all enemies it is that against which she is the least able to furnish any kind of resource. We cannot be ignorant of the spirit of atheistical fanaticism, that is inspired by a multitude of writings, dispersed with incredible assiduity and expence, and by sermons delivered in all the streets and places of public resort in Paris. These writings and sermons have filled the populace with a black and savage atrocity of mind, which supercedes in them the common feelings of nature, as well as all sentiments of morality and religion; insomuch that these wretches are induced to bear with a sullen patience the intolerable distresses brought

* Speech of Mr. Camus, published by order of the National Assembly.

upon them by the violent convulsions and permutations that have been made in property * ? Mr. Burke.

In every prosperous community something more is produced than goes to the immediate support of the producer. This surplus forms the income of the landed capitalist. It will be spent by a proprietor who does not labour. But this idleness is itself the spring of labour; this repose the spur to industry. The only concern of the state is, that the capital taken in rent from the land should

* Whether the following description is strictly true I know not; but it is what the publishers would have pass for true, in order to animate others. In a letter from Toul, given in one of their papers, is the following passage concerning the people of that district: “ Dans la Révolution actuelle, ils ont résisté à toutes les séductions du bigotisme, aux persécutions et aux tracasseries des ennemis de la Révolution. Oubliant leurs plus grands intérêts pour rendre hommage aux vues d’ordre général qui ont déterminé l’Assemblée Nationale, ils voient, sans se plaindre, supprimer cette foule d’établissmens ecclésiastiques par lesquels ils subsistoient; et même, en perdant leur siège épiscopal, la seule de toutes ces ressources qui pouvoit, ou plutôt qui devoit, en toute équité, leur être conservée; condamnés à la plus effrayante misère, sans avoir été ni pu être entendus, ils ne murmurent point, ils restent fidèles aux principes du plus pur patriotisme; ils sont encore prêts à verser leur sang pour le maintien de la constitution, qui va réduire leur ville à la plus déplorable nullité.” These people are not supposed to have endured those sufferings and injustices in a struggle for liberty, for the same account states truly that they had been always free; their patience in beggary and ruin, and their suffering, without remonstrance, the most flagrant and confessed injustice, if strictly true, can be nothing but the effect of this dire fanaticism. A great multitude all over France is in the same condition and the same temper.

be

Mr. Burke. be returned again to the industry from whence it came; and that its expenditure should be with the least possible detriment to the morals of those who expend it, and to those of the people to whom it is returned.

In all the views of receipt, expenditure, and personal employment, a sober legislator would carefully compare the possessor whom he was recommended to expel, with the stranger who was proposed to fill his place. Before the inconveniences are incurred which *must* attend all violent revolutions in property through extensive confiscation, we ought to have some rational assurance that the purchasers of the confiscated property will be in a considerable degree more laborious, more virtuous, more sober, less disposed to extort an unreasonable proportion of the gains of the labourer, or to consume on themselves a larger share than is fit for the measure of an individual, or that they should be qualified to dispense the surplus in a more steady and equal mode, so as to answer the purposes of a politic expenditure, than the old possessors, call those possessors, bishops, or canons, or commendatory abbots, or monks, or what you please. The monks are lazy. Be it so. Suppose them no otherwise employed than by singing in the choir. They are as usefully employed as those who neither sing nor say. As usefully even as those who sing upon the stage. They are as usefully employed as if they worked from dawn to dark in the innumerable servile, degrading, unseemly, unmanly, and often

often most unwholesome and pestiferous occupations, to which by the social economy so many wretches are inevitably doomed. If it were not generally pernicious to disturb the natural course of things, and to impede, in any degree, the great wheel of circulation which is turned by the strangely directed labour of these unhappy people, I should be infinitely more inclined forcibly to rescue them from their miserable industry, than violently to disturb the tranquil repose of monastic quietude. Humanity, and perhaps policy, might better justify me in the one than in the other. It is a subject on which I have often reflected, and never reflected without feeling from it. I am sure that no consideration, except the necessity of submitting to the yoke of luxury, and the despotism of fancy, who in their own imperious way will distribute the surplus product of the soil, can justify the toleration of such trades and employments in a well-regulated state. But, for this purpose of distribution, it seems to me, that the idle expences of monks are quite as well directed as the idle expences of us lay-loiterers.

Mr. Burke.

When the advantages of the possession, and of the project, are on a par, there is no motive for a change. But in the present case, perhaps they are not upon a par, and the difference is in favour of the possession. It does not appear to me, that the expences of those whom you are going to expel, do, in fact, take a course so directly and so generally leading to vitiate and degrade, and render miserable

Mr Burke.

miserable those through whom they pass, as the expences of those favourites whom you are intruding into their houses. Why should the expenditure of a great landed property, which is a dispersion of the surplus product of the soil, appear intolerable to you or to me, when it takes its course through the accumulation of vast libraries, which are the history of the force and weakness of the human mind; through great collections of ancient records, medals, and coins, which attest and explain laws and customs; through paintings and statues, that, by imitating nature, seem to extend the limits of creation; through grand monuments of the dead, which continue the regards and connections of life beyond the grave; through collections of the specimens of nature, which become a representative assembly of all the classes and families of the world, that by disposition facilitate; and, by exciting curiosity, open the avenues to science? If, by great permanent establishments, all these objects of expence are better secured from the inconstant sport of personal caprice and personal extravagance, are they worse than if the same tastes prevailed in scattered individuals? Does not the sweat of the mason and carpenter, who toil in order to partake the sweat of the peasant, flow as pleasantly and as salubriously, in the construction and repair of the majestic edifices of religion, as in the painted booths and sordid sties of vice and luxury; as honourably and as profitably in repairing those sacred works, which grow hoary
with

with innumerable years, as on the momentary receptacles of transient voluptuousness; in opera-houses, and brothels, and gaming-houses, and club-houses, and obelisks in the Champ de Mars? Is the surplus product of the olive and the vine worse employed in the frugal sustenance of persons, whom the fictions of a pious imagination raise to dignity by construing in the service of God, than in pampering the innumerable multitude of those who are degraded by being made useless domestics subservient to the pride of man? Are the decorations of temples an expenditure less worthy a wise man than ribbons, and laces, and national cockades, and petites maisons, and petits soupers, and all the innumerable fopperies and follies in which opulence sports away the burthen of its superfluity?

Mr. Burke.

We tolerate even these; not from love of them, but for fear of worse. We tolerate them, because property and liberty, to a degree, require that toleration. But why proscribe the other, and surely, in every point of view, the more laudable use of estates? Why, through the violation of all property, through an outrage upon every principle of liberty, forcibly carry them from the better to the worse?

This comparison between the new individuals and the old corps is made upon a supposition that no reform could be made in the latter. But in a question of reformation, I always consider corporate bodies, whether sole or consisting of many,
to

Mr. Burke.

to be much more susceptible of a public direction by the power of the state, in the use of their property, and in the regulation of modes and habits of life in their members, than private citizens ever can be, or perhaps ought to be; and this seems to me a very material consideration for those who undertake any thing which merits the name of a politic enterprize.—So far as to the estates of monasteries.

With regard to the estates possessed by bishops and canons, and commendatory abbots, I cannot find out for what reason some landed estates may not be held otherwise than by inheritance. Can any philosophic spoiler undertake to demonstrate the positive or the comparative evil, of having a certain, and that too a large portion of landed property, passing in succession through persons whose title to it is, always in theory, and often in fact, an eminent degree of piety, morals, and learning; a property which, by its destination, in their turn, and on the score of merit, gives to the noblest families renovation and support, to the lowest, the means of dignity and elevation; a property, the tenure of which is the performance of some duty (whatever value you may choose to set upon that duty), and the character of whose proprietors demands at least an exterior decorum and gravity of manners; who are to exercise a generous but temperate hospitality; part of whose income they are to consider as a trust for charity; and who, even when they fail in their trust, when they slide from
their

their character, and degenerate into a mere common secular nobleman or gentleman, are in no respect worse than those who may succeed them in their forfeited possessions? Is it better that estates should be held by those who have no duty than by those who have one?—by those whose character and destination point to virtues, than by those who have no rule and direction in the expenditure of their estates but their own will and appetite? Nor are these estates held together in the character or with the evils supposed inherent in mortmain. They pass from hand to hand with a more rapid circulation than any other. No excess is good; and therefore too great a proportion of landed property may be held officially for life; but it does not seem to me of material injury to any commonwealth, that there should exist some estates that have a chance of being acquired by other means than the previous acquisition of money.

Mr. Burke.

It is from our attachment to a church establishment that the English nation did not think it wise to entrust that great fundamental interest of the whole to what they trust no part of their civil or military public service, that is, to the unsteady and precarious contribution of individuals. They go further. They certainly never have suffered, and never will suffer, the fixed estate of the church to be converted into a pension, to depend on the treasury, and to be delayed, withheld, or perhaps to be extinguished by fiscal difficulties; which

Mr. Burke.

difficulties may sometimes be pretended for political purposes, and are in fact often brought on by the extravagance, negligence, and rapacity of politicians. The people of England think that they have constitutional motives, as well as religious, against any project of turning their independent clergy into ecclesiastical pensioners of state. They tremble for their liberty, from the influence of a clergy dependent on the crown; they tremble for the public tranquillity, from the disorders of a factious clergy, if it were made to depend upon any other than the crown. They therefore made their church, like their king and their nobility, independent.

From the united considerations of religion and constitutional policy, from their opinion of a duty to make a sure provision for the consolation of the feeble and the instruction of the ignorant, they have incorporated and identified the estate of the church with the mass of *private property*, of which the state is not the proprietor, either for use or dominion, but the guardian only and the regulator. They have ordained that the provision of this establishment might be as stable as the earth on which it stands, and should not fluctuate with the Euripus of funds and actions.

The men of England, the men, I mean, of light and leading in England, whose wisdom (if they have any) is open and direct, would be ashamed, as of a silly deceitful trick, to profess any religion in name, which by their proceedings they appeared

peared to contemn. If by their conduct (the only Mr. Burke.
 language that rarely lies) they seemed to regard
 the great ruling principle of the moral and the
 natural world, as a mere invention to keep the
 vulgar in obedience, they apprehend that by such
 a conduct they would defeat the politic purpose
 they have in view. They would find it difficult to
 make others to believe in a system to which they
 manifestly gave no credit themselves. The Chris-
 tian statesmen of this land would indeed first pro-
 vide for the *multitude* ; because it is the *multitude* ;
 and is therefore, as such, the first object in the ec-
 clesiastical institution, and in all institutions. They
 have been taught, that the circumstance of the
 gospel's being preached to the poor, was one of
 the great tests of its true mission. They think,
 therefore, that those do not believe it, who do not
 take care it should be preached to the poor.
 But as they know that charity is not confined to
 any one description, but ought to apply itself to
 all men who have wants, they are not deprived
 of a due and anxious sensation of pity to the dis-
 tresses of the miserable great. They are not
 repelled through a fastidious delicacy, at the
 stench of their arrogance and presumption, from
 a medicinal attention to their mental blotches
 and running sores. They are sensible, that re-
 ligious instruction is of more consequence to them
 than to any others ; from the greatness of the
 temptation to which they are exposed ; from the
 important consequences that attend their faults ;
C 2
from

Mr. Burke.

from the contagion of their ill example ; from the necessity of bowing down the stubborn neck of their pride and ambition to the yoke of moderation and virtue ; from a consideration of the fat stupidity and gross ignorance concerning what imports men most to know, which prevails at courts, and at the head of armies, and in senates, as much as at the loom and in the field.

The English people are satisfied, that to the great the consolations of religion are as necessary as its instructions. They too are among the unhappy. They feel personal pain and domestic sorrow. In these they have no privilege, but are subject to pay their full contingent to the contributions levied on mortality. They want this sovereign balm under their gnawing cares and anxieties, which being less conversant about the limited wants of animal life, range without limit, and are diversified by infinite combinations in the wild and unbounded regions of imagination. Some charitable dole is wanting to these our often very unhappy brethren, to fill the gloomy void that reigns in minds which have nothing on earth to hope or fear ; something to relieve in the killing languor and over-laboured lassitude of those who have nothing to do ; something to excite an appetite to existence in the palled satiety which attends on all pleasures which may be bought, where nature is not left to her own process, where even desire is anticipated, and therefore fruition defeated by meditated schemes and contrivances

trivances of delight; and no interval, no obstacle, Mr. Burke.
is interposed between the wish and the accomplishment.

The people of England know how little influence the teachers of religion are likely to have with the wealthy and powerful of long standing, and how much less with the newly fortunate, if they appear in a manner no way afforted to those with whom they must associate, and over whom they must even exercise, in some cases, something like an authority. What must they think of that body of teachers, if they see it in no part above the establishment of their domestic servants? If the poverty were voluntary, there might be some difference. Strong instances of self-denial operate powerfully on our minds; and a man who has no wants has obtained great freedom and firmness, and even dignity. But as the mass of any description of men are but men, and their poverty cannot be voluntary, that disrespect which attends upon all lay poverty will not depart from the ecclesiastical. Our provident constitution has therefore taken care that those who are to instruct presumptuous ignorance, those who are to be censors over insolent vice, should neither incur their contempt, nor live upon their alms; nor will it tempt the rich to a neglect of the true medicine of their minds. For these reasons, whilst we provide first for the poor, and with a parental solicitude, we have not relegated religion (like something we were ashamed to shew) to obscure municipalities

Mr. Burke. or rustic villages. No! We will have her to exalt her mitred front in courts and parliaments. We will have her mixed throughout the whole mass of life, and blended with all the classes of society. The people of England will shew to the haughty potentates of the world, and to their talking sophisters, that a free, a generous, an informed nation honours the high magistrates of its church; that it will not suffer the insolence of wealth and titles, or any other species of proud pretension, to look down with scorn upon what they look up to with reverence; nor presume to trample on that acquired personal nobility, which they intend always to be, and which often is the fruit, not the reward (for what can be the reward?), of learning, piety, and virtue. They can see, without pain or grudging, an archbishop precede a duke. They can see a bishop of Durham, or a bishop of Winchester, in possession of ten thousand pounds a year; and cannot conceive why it is in worse hands than estates to the like amount in the hands of this earl, or that 'squire; although it may be true, that so many dogs and horses are not kept by the former, and fed with the victuals which ought to nourish the children of the people. It is true, the whole church revenue is not always employed, and to every shilling, in charity; nor perhaps ought it; but something is generally so employed. It is better to cherish virtue and humanity, by leaving much to free will, even with some loss to the object, than to attempt to make

men mere machines and instruments of a political benevolence. The world on the whole will gain by a liberty, without which virtue cannot exist. Mr. Burke.

When once the commonwealth has established the estates of the church as property, it can, consistently, hear nothing of the more or the less. Too much and too little are treason against property. What evil can arise from the quantity in any hand, whilst the supreme authority has the full, sovereign superintendence over this, as over all property, to prevent every species of abuse; and, whenever it notably deviates, to give to it a direction agreeable to the purposes of its institution?

In England, most of us conceive that it is envy and malignity towards those who are often the beginners of their own fortune, and not a love of the self-denial and mortification of the ancient church, that makes some look askance at the distinctions, and honours, and revenues, which, taken from no person, are set apart for virtue. The ears of the people of England are distinguishing. They hear these men speak broad. Their tongue betrays them. Their language is in the *patois* of fraud; in the cant and gibberish of hypocrisy. The people of England must think so, when these praters affect to carry back the clergy to that primitive evangelic poverty which, in the spirit, ought always to exist in them (and in us too, however we may like it), but in the thing must be varied, when the relation of that body

Mr. Burke. to the state is altered ; when manners, when modes of life, when indeed the whole order of human affairs has undergone a total revolution. We shall believe those reformers to be then honest enthusiasts, not as now we think them, cheats and deceivers, when we see them throwing their own goods into common, and submitting their own persons to the austere discipline of the early church.

With these ideas rooted in their minds, the commons of Great Britain, in the national emergencies, will never seek their resource from the confiscation of the estates of the church and poor. Sacrilege and proscription are not among the ways and means in our committee of supply. The Jews in 'Change Alley have not yet dared to hint their hopes of a mortgage on the revenues belonging to the see of Canterbury. I am not afraid that I shall be disavowed, when I assure you that there is not *one* public man in this kingdom, whom you would wish to quote ; no not one of any party or description, who does not reprobate the dishonest, perfidious, and cruel confiscation which the national assembly has been compelled to make of that property which it was their first duty to protect.

It is with the exultation of a little national pride I tell you, that those amongst us who have wished to pledge the societies of Paris in the cup of their abominations, have been disappointed. The robbery of your church has proved a security to the possessions of ours. It has roused the people. They see

see with horror and alarm that enormous and shameless act of proscription. It has opened, and will more and more open their eyes upon the selfish enlargement of mind, and the narrow liberality of sentiment, of insidious men, which commencing in close hypocrisy and fraud have ended in open violence and rapine. At home we behold similar beginnings. We are on our guard against similar conclusions.

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I hope we shall never be so totally lost to all sense of the duties imposed upon us by the law of social union, as, upon any pretext of public service, to confiscate the goods of a single unoffending citizen. Who but a tyrant (a name expressive of every thing which can vitiate and degrade human nature) could think of seizing on the property of men, unaccused, unheard, untried, by whole descriptions, by hundreds and thousands together? Who that had not lost every trace of humanity could think of casting down men of exalted rank and sacred function, some of them of an age to call at once for reverence and compassion—of casting them down from the highest situation in the commonwealth, wherein they were maintained by their own landed property, to a state of indigence, depression, and contempt?

The confiscators truly have made some allowance to their victims from the scraps and fragments of their own tables from which they have been so harshly driven, and which have been so bountifully spread for a feast to the harpies of usury. But
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Mr. Burke. to drive men from independence to live on alms, is itself great cruelty. That which might be a tolerable condition to men in one state of life, and not habituated to other things, may, when all these circumstances are altered, be a dreadful revolution; and one to which a virtuous mind would feel pain in condemning any guilt except that which would demand the life of the offender. But to many minds this punishment of *degradation* and *infamy* is worse than death. Undoubtedly it is an infinite aggravation of this cruel suffering, that the persons who were taught a double prejudice in favour of religion, by education and by the place they held in the administration of its functions, are to receive the remnants of their property as alms from the profane and impious hands of those who had plundered them of all the rest; to receive (if they are at all to receive), not from the charitable contributions of the faithful, but from the insolent tenderness of known and avowed atheism, the maintenance of religion, measured out to them on the standard of the contempt in which it is held; and for the purpose of rendering those who receive the allowance vile, and of no estimation in the eyes of mankind.

But this act of seizure of property, it seems, is a judgment in law, and not a confiscation. They have, it seems, found out in the academies of the *Palais Royal* and the *Jacobins*, that certain men had no right to the possessions which they held under law, usage, the decisions of courts, and the
 accumu-

accumulated prescription of a thousand years. They Mr. Burke.
 say that ecclesiastics are fictitious persons, creatures
 of the state; whom at pleasure they may destroy,
 and of course limit and modify in every particular;
 that the goods they possess are not properly theirs,
 but belong to the state which created the fiction;
 and we are therefore not to trouble ourselves with
 what they may suffer in their natural feelings and
 natural persons, on account of what is done to-
 wards them in this their constructive character.
 Of what import is it, under what names you injure
 men, and deprive them of the just emoluments of
 a profession, in which they were not only permitted
 but encouraged by the state to engage; and upon
 the supposed certainty of which emoluments they
 had formed the plan of their lives, contracted
 debts, and led multitudes to an entire dependence
 upon them?

You do not imagine, sir, that I am going to
 compliment this miserable distinction of persons
 with any long discussion. The arguments of ty-
 ranny are as contemptible as its force is dreadful.
 Had not your confiscators by their early crimes
 obtained a power which secures indemnity to all the
 crimes of which they have since been guilty, or
 that they can commit; it is not the syllogism of
 the logician, but the lash of the executioner, that
 would have refuted a sophistry which becomes an
 accomplice of theft and murder. The sophistic
 tyrants of Paris are loud in their declamations
 against the departed regal tyrants who in former
 ages

Mr. Burke. ages have vexed the world. They are thus bold, because they are safe from the dungeons and iron cages of their old masters. Shall we be more tender of the tyrants of our own time, when we see them acting worse tragedies under our eyes? Shall we not use the same liberty that they do, when we can use it with the same safety; when to speak honest truth only requires a contempt of the opinions of those whose actions we abhor?

This outrage on all the rights of property was at first covered with what, on the system of their conduct, was the most astonishing of all pretexts—a regard to national faith. The enemies to property at first pretended a most tender, delicate, and scrupulous anxiety for keeping the king's engagements with the public creditor. These professors of the rights of men are so busy in teaching others, that they have not leisure to learn any thing themselves; otherwise they would have known that it is to the property of the citizen, and not to the demands of the creditor of the state, that the first and original faith of civil society is pledged. The claim of the citizen is prior in time, paramount in title, superior in equity. The fortunes of individuals, whether possessed by acquisition or by descent, or in virtue of a participation in the goods of some community, were no part of the creditor's security, expressed or implied. They never so much as entered into his head when he made his bargain. He well knew that the public, whether represented by a monarch, or by a senate,

senate, can pledge nothing but the public estate; and it can have no public estate, except in what it derives from a just and proportioned imposition upon the citizens at large. This was engaged, and nothing else could be engaged, to the public creditor. No man can mortgage his injustice as a pawn for his fidelity.

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Was the public estate a sufficient stake for the public debts? Assume that it was not, and that a loss *must* be incurred somewhere—when the only estate lawfully possessed, and which the contracting parties had in contemplation at the time in which their bargain was made, happens to fail, who, according to the principles of natural and legal equity, ought to be the sufferer? Certainly it ought to be either the party who trusted, or the party who persuaded him to trust, or both; and not third parties who had no concern with the transaction. Upon any insolvency, they ought to suffer who were weak enough to lend upon bad security, or they who fraudulently held out a security that was not valid. Laws are acquainted with no other rules of decision. But by the new institute of the rights of men, the only persons, who in equity ought to suffer, are the only persons who are to be saved harmless: those are to answer the debt who neither were lenders or borrowers, mortgagers or mortgagees.

What had the clergy to do with these transactions? What had they to do with any public engagement further than the extent of their own debt? To that, to be sure, their estates were bound
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to the last acre. Nothing can lead more to the true spirit of the assembly, which sits for public confiscation, with its new equity and its new morality, than an attention to their proceeding with regard to this debt of the clergy. The body of confiscators, true to that moneyed interest for which they were false to every other, have found the clergy competent to incur a legal debt. Of course they declared them legally entitled to the property which their power of incurring the debt, and mortgaging the estate, implied; recognizing the rights of those persecuted citizens, in the very act in which they were thus grossly violated.

If, as I said, any persons are to make good deficiencies to the public creditor, besides the public at large, they must be those who managed the agreement. Why, therefore, are not the estates of all the comptrollers general confiscated? why not those of the long succession of ministers, financiers, and bankers, who have been enriched whilst the nation was impoverished by their dealings and their counsels? Why is not the estate of Mr. Laborde declared forfeited, rather than that of the archbishop of Paris, who has had nothing to do in the creation or in the jobbing of the public funds? Or, if you must confiscate old landed estates in favour of the money-jobbers—why is the penalty confined to one description? I do not know whether the expences of the duke de Choiseul have left any thing of the infinite sums which he had derived from the bounty of his master, during the transactions of a
reign

reign which contributed largely, by every species of prodigality in war and peace, to the present debt of France. If any such remains, why is not this confiscated? I remember to have been in Paris during the time of the old government. I was there just after the duke d'Aiguillon had been snatched (as it was generally thought) from the block by the hand of a protecting despotism. He was a minister, and had some concern in the affairs of that prodigal period. Why do I not see his estate delivered up to the municipalities in which it is situated? The noble family of Noailles have long been servants (meritorious servants, I admit) to the crown of France, and have had of course some share in its bounties. Why do I hear nothing of the application of their estates to the public debt? Why is the estate of the duke de Rochefoucault more sacred than that of the cardinal de Rochefoucault? The former is, I doubt not, a worthy person; and (if it were not a sort of profaneness to talk of the use, as affecting the title to property) he makes a good use of his revenues; but it is no disrespect to him to say, what authentic information well warrants me in saying, that the use made of a property equally valid, by his brother the cardinal archbishop of Rouen, was far more laudable and far more public-spirited. Can one hear of the proscription of such persons, and the confiscation of their effects, without indignation and horror? He is not a man who does not feel such emotions on such

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Mr. Burke. such occasions. He does not deserve the name of a free man who will not express them.

Few barbarous conquerors have ever made so terrible a revolution in property. None of the heads of the Roman factions, when they established "*crudelem illam hastam*" in all their auctions of rapine, have ever set up to sale the goods of the conquered citizen to such an enormous amount. It must be allowed, in favour of those tyrants of antiquity, that what was done by them could hardly be said to be done in cold blood. Their passions were inflamed, their tempers soured, their understandings confused, with the spirit of revenge, with the innumerable reciprocated and recent inflictions and retaliations of blood and rapine. They were driven beyond all bounds of moderation, by the apprehension of the return of power with the return of property to the families of those they had injured beyond all hope of forgiveness.

These Roman confiscators, who were yet only in the elements of tyranny, and were not instructed in the rights of men to exercise all sorts of cruelties on each other without provocation, thought it necessary to spread a sort of colour over their injustice. They considered the vanquished party as composed of traitors who had borne arms, or otherwise had acted with hostility against the commonwealth. They regarded them as persons who had forfeited their property by their crimes. With you, in your improved state of the human mind, there was no such formality. You seized upon
five

five millions sterling of annual rent, and turned Mr. Burke.
 forty or fifty thousand human creatures out of their
 houses, because “such was your pleasure.” The
 tyrant, Harry the Eighth of England, as he was
 not better enlightened than the Roman Mariuses
 and Syllas, and had not studied in your new
 schools, did not know what an effectual instrument
 of despotism was to be found in that grand maga-
 zine of offensive weapons, the rights of men.
 When he resolved to rob the abbeyes, as the club of
 the Jacobins have robbed all the ecclesiastics, he
 began by setting on foot a commission to examine
 into the crimes and abuses which prevailed in those
 communities. As it might be expected, his com-
 mission reported truths, exaggerations, and false-
 hoods. But, truly or falsely, it reported abuses and
 offences. However, as abuses might be corrected,
 as every crime of persons does not infer a forfeiture
 with regard to communities, and as property, in
 that dark age, was not discovered to be a creature
 of prejudice, all those abuses (and there were
 enough of them) were hardly thought sufficient
 ground for such a confiscation as it was for his pur-
 poses to make. He therefore procured the formal
 surrender of these estates. All these operose pro-
 ceedings were adopted by one of the most decided
 tyrants in the rolls of history, as necessary prelimi-
 naries, before he could venture, by bribing the
 members of his two servile houses with a share of
 the spoil, and holding out to them an eternal im-
 munity

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munity from taxation, to demand a confirmation of his iniquitous proceedings by an act of parliament. Had fate reserved him to our times, four technical terms would have done his business, and saved him all this trouble; he needed nothing more than one short form of incantation—“*Philosophy, Light, Liberality, the Rights of Men.*”

Perhaps persons unacquainted with the state of France, on hearing the clergy and the noblesse were privileged in point of taxation, may be led to imagine, that previous to the revolution these bodies had contributed nothing to the state. This is a great mistake. They certainly did not contribute equally with each other, nor either of them equally with the commons. They both however contributed largely. Neither nobility nor clergy enjoyed any exemption from the excise on consumable commodities, from duties of custom, or from any of the other numerous *indirect* impositions, which in France as well as here make so very large a proportion of all payments to the public. The noblesse paid the capitation. They paid also a land-tax, called the twentieth penny, to the height sometimes of three, sometimes of four shillings in the pound; both of them *direct* impositions of no light nature, and no trivial produce. The clergy of the provinces annexed by conquest to France (which in extent make about an eighth part of the whole, but in wealth a much larger proportion) paid likewise to the capitation and the twentieth penny,

penny, at the rate paid by the nobility. The Mr. Burke.
 clergy in the old provinces did not pay the capi-
 tation ; but they had redeemed themselves at the
 expence of about 24 millions, or a little more than
 a million sterling. They were exempted from the
 twentieths ; but then they made free gifts ; they
 contracted debts for the state ; and they were sub-
 ject to some other charges, the whole computed at
 about a thirteenth part of their clear income. They
 ought to have paid annually about forty thousand
 pounds more, to put them on a par with the con-
 tribution of the nobility.

When the terrors of this tremendous proscrip-
 tion hung over the clergy, they made an offer of a
 contribution, through the archbishop of Aix, which,
 for its extravagance, ought not to have been ac-
 cepted. But it was evidently and obviously more
 advantageous to the public creditor, than any thing
 which could rationally be promised by the confis-
 cation. Why was it not accepted ? The reason is
 plain—There was no desire that the church should
 be brought to serve the state. The service of the
 state was made a pretext to destroy the church. In
 their way to the destruction of the church they
 would not scruple to destroy their country : and
 they have destroyed it. One great end in the pro-
 ject would have been defeated, if the plan of ex-
 tortion had been adopted in lieu of the scheme of
 confiscation. The new landed interest connected
 with the new republic, and connected with it for

Mr. Burke. its very being, could not have been created. This was among the reasons why that extravagant ransom was not accepted.

The madness of the project of confiscation, on the plan that was first pretended, soon became apparent. To bring this unwieldy mass of landed property, enlarged by the confiscation of all the vast landed domain of the crown, at once into market, was obviously to defeat the profits proposed by the confiscation, by depreciating the value of those lands, and indeed of all the landed estates throughout France. Such a sudden diversion of all its circulating money from trade to land, must be an additional mischief. What step was taken? Did the assembly, on becoming sensible of the inevitable ill effects of their projected sale, revert to the offers of the clergy? No distress could oblige them to travel in a course which was disgraced by any appearance of justice. Giving over all hopes from a general immediate sale, another project seems to have succeeded. They proposed to take stock in exchange for the church lands. In that project great difficulties arose in equalizing the objects to be exchanged. Other obstacles also presented themselves, which threw them back again upon some project of sale. The municipalities had taken an alarm. They would not hear of transferring the whole plunder of the kingdom to the stock-holders in Paris. Many of those municipalities had been (upon system) reduced
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to the most deplorable indigence. Money was no where to be seen. They were therefore led to the point that was so ardently desired. They panted for a currency of any kind which might revive their perishing industry. The municipalities were then to be admitted to a share in the spoil, which evidently rendered the first scheme (if ever it had been seriously entertained) altogether impracticable. Public exigencies pressed upon all sides. The minister of finance reiterated his call for supply with a most urgent, anxious, and boding voice. Thus pressed on all sides, instead of the first plan of converting their bankers into bishops and abbots, instead of paying the old debt, they contracted a new debt, at 3 per cent. creating a new paper currency, founded on an eventual sale of the church lands. They issued this paper currency to satisfy in the first instance chiefly the demands made upon them by the *bank of discount*, the great machine, or paper-mill, of their fictitious wealth.

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The spoil of the church was now become the only resource of all their operations in finance; the vital principle of all their politics; the sole security for the existence of their power. It was necessary, by all even the most violent means, to put every individual on the same bottom, and to bind the nation in one guilty interest to uphold this act, and the authority of those by whom it was done. In order to force the most reluctant into a partici-

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pation of their pillage, they rendered their paper circulation compulsory in all payments. Those who consider the general tendency of their schemes to this one object as a centre, and a centre from which afterwards all their measures radiate, will not think that I dwell too long upon this part of the proceedings of the national assembly.

MR.

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“*ARE the lands occupied by the church, the property of its members?*”—Various considerations present themselves, which may elucidate the subject:

Vindiciæ
Gallicæ.

First—It has not hitherto been supposed that any class of public servants are proprietors.—They are *salaried* by the state for the performance of certain duties.—Judges are *paid* for the distribution of justice:—*kings*, for execution of the laws:—soldiers, where there is a mercenary army, for public defence:—and priests, where there is an established religion, for public instruction. The mode of their *payment* is indifferent to the question. It is generally in rude ages by land, and in cultivated periods by money. But a *territorial pension* is no more property than a *pecuniary one*. The right of the state to regulate the salaries of those servants whom it pays in money has not been disputed. But if it has *chosen to provide the revenue of a certain portion of land for the salary of another class of servants*, wherefore is its right more disputable to resume that land, and to establish a new mode of payment? In the early history of Europe, before fiefs became hereditary, great landed estates were bestowed by the sovereign, on condition of military service. By a similar tenure did the church hold its lands. No man can prove, that, because the state has intrusted

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its ecclesiastical servants with a portion of land, as the source and security of their *pensions*, they are in any respect more the *proprietors* of it, than the other servants of the state are of that portion of the revenue from which they are paid.

II. The lands of the church possess not the most simple and indispensable requisites of property. They are not even pretended to be held for the *benefit* of those who enjoy them. This is the obvious criterion between private property and a pension for public service. The destination of the first is avowedly the comfort and happiness of the *individual* who enjoys it ; as he is conceived to be the sole judge of this happiness, he possesses the most unlimited rights of enjoyment, alienation, and even abuse : but the lands of the church, destined for the support of public servants, exhibited none of the characters of property ; they were inalienable ; because it would have been not less absurd for the priesthood to have exercised such authority over these lands, than it would be for seamen to claim the property of a fleet which they manned, or soldiers that of a fortress they garrisoned.

III. It is confessed that no individual priest was a proprietor, and it is not denied that his utmost claim was limited to a possession for life of his stipend. If all the priests, taken *individually*, were not proprietors, the priesthood, as a *body*, cannot claim any such right. For what is a *body*, but an aggregate of individuals ? and what new right can be conveyed by a mere change of name ?—Nothing
can

can so forcibly illustrate this argument as the case of other corporations. They are voluntary associations of men for their own benefit. Every member of them is an absolute sharer in their property; it is therefore alienated and inherited. Corporate property is here as sacred as individual, because in the ultimate analysis it is the same. But the priesthood is a corporation endowed by the country, and destined for the benefit of other men. It is hence that the members have no *separate*, nor the body any *collective*, right of property. They are only entrusted with the *administration* of the lands from which their *salaries* are paid *.

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IV. It is from this last circumstance that their *legal semblance* of property arises. In charters, bonds, and all other proceedings of law, they are treated with the same formalities as real property. "They are identified," says Mr. Burke, "with the mass of private property;" and it must be confessed, that if we are to limit our view to forms, this language is correct. But the repugnance of these formalities to legal truth proceeded from a very obvious cause. If estates are vested in the clergy, to them most unquestionably ought to be entrusted the protection of these estates in all contests at law; and actions for that purpose can only be maintained with facility, simplicity, and effect,

* This admits a familiar illustration. If a landholder chooses to pay his steward for the collection of his rents, by permitting him to possess a farm *gratis*, is he conceived to have resigned his *property* in the farm? The case is precisely similar.

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by the *fiction* of their being proprietors. Nor is this the only case in which the spirit and the forms of law are at variance respecting property. Scotland, where lands still are held by *feudal* tenures, will afford us a remarkable example. There, if we extend our views no further than legal forms, the *superior* is to be regarded as the proprietor, while the real proprietor appears to be only a tenant for life. Such is the language of the charter by which he obtains a legal right to his estate. In this case, the vassal is *formally* stripped of the property which he in fact enjoys. In the other, the church is *formally* invested with a property, to which in reality it had no claim. The argument of *prescription* will appear to be altogether untenable, *for prescription implies a certain period during which the rights of property had been exercised*; but in the case before us they *never* were exercised, because they never could be supposed to exist. It must be proved that these possessions were of the nature of property, before it can follow that they are protected by prescription; and to plead it is to take for granted the question in dispute. If they never were property, no length of time can change their nature*.

V. When

* There are persons who may not relish the mode of reasoning here adopted: they contend that property, being the creature of civil society, may be resumed by that public will which created it, and on this principle they justify the national assembly of France. But such a justification is adverse to the principles of that assembly; for they have consecrated it as one of the first
maxims

V. When the British Islands, the Dutch Republic, the German and Scandinavian States, reformed their ecclesiastical establishments, the howl of sacrilege was the only armour by which the church attempted to protect its pretended property. The age was too tumultuous and unlettered for discussions of abstract jurisprudence. The clamour of sacrilege seems, however, to have fallen into early contempt. The treaty of Westphalia secularized many of the most opulent benefices of Germany, under the mediation and guarantee of the first catholic powers of Europe. In our own island, on the abolition of episcopacy in Scotland at the revolution, the revenues of the church peaceably

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maxims of their declaration of rights, that the state cannot violate property, except in cases of urgent necessity, and on condition of previous indemnification. This defence too will not justify their selection of church property, in preference of all others, for resumption. It certainly ought in this view to have fallen equally on all citizens. The principle is besides false in the extreme to which it is assumed. *Property* is, indeed, in some senses created by an act of the public will ; but it is by one of those *fundamental* acts which constitute society. Theory proves it to be essential to the social state. Experience proves that it has, in some degree, existed in every age and nation of the world. But those public acts which form and endow corporations, are subsequent and subordinate. They are only *ordinary expedients* of legislation. The property of individuals is established on a *general principle*, which seems coeval with civil society itself. But *bodies* are instruments fabricated by the legislator for a *specific* purpose, which ought to be preserved while they are beneficial, amended when they are impaired, and rejected when they become useless or injurious.

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devolved on the sovereign, and he devoted a portion of them to the support of the new establishment. When, at a still later period, the Jesuits were suppressed in most catholic monarchies, the wealth of that formidable and opulent body was every where seized by the sovereign. In all these memorable examples, no traces are to be discovered of the pretended property of the church. The salaries of a class of public servants are, in all these cases, resumed by the state, when it ceases to deem their service, or the mode of it, useful. It is in none of them recognized as property. That claim, now so forcibly urged by M. Calonne, was probably little respected by him when he lent his agency to the destruction of the Jesuits with such peculiar activity and rancour. The sacredness of their property could not strongly impress him, when he was instrumental in degrading the members of that accomplished society, the glory of Catholic Europe, from their superb endowments to scanty and beggarly pensions. In all these contests, the inviolability of church possessions was a principle that never made its appearance. A murmur of sacrilege might, indeed, be heard among the fanatical or interested few : but the religious horror in which the priesthood had enveloped its robberies, had long been dispelled, and it was reserved for Mr. Burke to renew that cry of sacrilege, which, in the darkness of the sixteenth century, had resounded in vain. No man can be expected to oppose arguments to *epithets*. When a definition of sacrilege is given,
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consistent with good logic and plain English, it will be time enough to discuss it. Till that definition (*with the Greek calends*) comes, I should as soon dispute about the meaning of sacrilege as about that of heresy or witchcraft.

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VI. The whole subject is indeed so evident, that little diversity of opinion could have arisen, if the question of church property had not been confounded with that of the present incumbents. The distinction, though neither stated by Mr. Burke nor Mons. Calonne, is extremely simple. The state is the proprietor of the church revenues; but its faith, it may be said, is pledged to those who have entered into the church, for the continuance of those incomes for which they abandoned all other pursuits. The right of the state to arrange at its pleasure the revenues of any future priests may be confessed, while a doubt may be entertained, whether it is competent to change the fortune of those to whom it has solemnly promised a certain income for life. But these distinct subjects have been confounded, that sympathy with suffering individuals might influence opinion on a general question, that feeling for the degradation of the hierarchy might supply the place of argument to establish the property of the church. To consider this subject distinctly, it cannot be denied, that the mildest, the most equitable, and the most usual expedient of polished states in periods of emergency, *is the reduction of the salaries of their servants, and the suppression of superfluous places.* This and no more has been done regarding the church of France.

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France. Civil, naval, and military servants of the state are subject to such retrenchments in a moment of difficulty. They often cannot be effected without a wound to individuals * ; neither can the reform of a civil office, nor the reduction of a regiment : but all men who enter into the public service must do so, with the implied condition of subjecting their emoluments, and even their official existence, to the exigencies of the state. The great grievance of such derangements is the shock they give to family settlements. This is precluded by the compulsory celibacy of the Romish church ; and when the debts of the clergy are incorporated with those of the state, and their subsistence insured by moderate incomes, though sensibility may, in the least retrenchment, find somewhat to lament, justice will, in the whole of these arrangements, discover little to condemn. To the individual members of the church of France, whose hopes and enjoyments have been abridged by this resumption, no virtuous mind will refuse the tribute of its sympathy and its regrets. Every man of humanity must wish, that public exigencies had permitted the French legislature to spare the income of present incumbents, and more especially of those whom they still continued in the discharge of active functions. But these sentiments imply no sorrow at the downfall of a great corporation, the determined and implacable enemy of freedom ; at the conversion of an immense public property to na-

* This is precisely the case of "*damnum absque injuria*."

tional use, nor at the reduction of a servile and imperious priesthood to humble utility, as the moral and religious instructors of mankind. The attainment of these great objects consoles us for the portion of evil that was, perhaps, inseparable from them, and will be justly admired by a posterity too remote to be moved by these minute afflictions, or to be afflicted by any thing but their general splendour. The enlightened observer of an age thus distant will contemplate with peculiar astonishment, the rise, progress, decay, and downfall of spiritual power in Christian Europe. It will attract his attention as an appearance which stands *alone* in history. Its connection in all stages of its progress with the civil power will peculiarly occupy his mind. He will remark the unpresuming humility by which it gradually gained the favour, and divided the power, of the magistrate; the haughty and despotic tone in which it afterwards gave law to sovereigns and subjects; the zeal with which, in the first desperate moments of decline, it armed the people against the magistrate, and aimed at re-establishing spiritual despotism on the ruins of civil order; and the asylum which it at last found against the hostilities of reason in the prerogatives of temporal despotism, of which it had so long been the implacable foe.

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The first and last of these periods will prove, that the priesthood are servilely devoted when they are weak; the second and third, that they are dangerously ambitious when strong. In a state of feebleness,

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bleness, they are dangerous to liberty ; possessed of power, they are dangerous to civil government itself. But the last period of their progress will appear peculiarly connected with the state of France. There was no protection for the opulence and existence * of the European priesthood in an enlightened period, but the throne. It formed the only bulwark against the inroads of reason ; for the superstition which once formed their power was gone. Around the throne therefore they rallied. To the monarch they transferred the devotion which had formerly attached them to the church, and the fierceness of priestly zeal was succeeded in their bosoms by the more peaceful sentiments of a courtly and polished servility. Such is, in a greater or less degree, the present condition of the church in every nation of Europe ; yet France has been reproached for the dissolution of such a body. It might as well be maintained, that in her conquests over despotism she ought to have spared the strongest fortresses and most faithful troops of her adversary. Such, in truth, were the corporations of the nobility and the church. The national assembly ensured permanence to their establishments, by dismantling the fortresses, and disbanding the troops of their vanquished foe.

So determined is the opposition of Mr. Burke to those measures of the assembly which regard the finances of the church, that even monastic institu-

* I always understand their *corporate* existence.

tions have in him found an advocate. Let us discuss the arguments which he urges for the preservation of these monuments of human madness. In support of an opinion so singular, he produces one *moral* and one *commercial* reason. “ In monastic “ institutions,” in his opinion, “ was found a great “ *power* for the mechanism of politic benevolence.”— “ To destroy any *power* growing wild from the “ rank productive force of the human mind, is al- “ most tantamount, in the moral world, to the de- “ struction of the apparently active properties of “ bodies in the material.” In one word, the spirit and the institutions of monachism were an instrument in the hand of the legislator, which he ought to have converted to some public use. I confess myself so far to share the blindness of the national assembly, that I cannot form the most remote conjecture concerning the various uses which “ have suggested themselves to a contriving mind.” But without expatiating on them, let us attempt to construct an answer to his argument on a broader basis. The moral powers by which a legislator moves the mind of man are his passions ; and if the insane fanaticism which first peopled the deserts of Upper Egypt with anchorites, still existed in Europe, the legislator must attempt the *direction* of a spirit which humanity forbid him to persecute, and wisdom to neglect. But monastic institutions have for ages survived the spirit which gave them birth. It was not necessary for any legislature to destroy “ that “ power growing wild out of the rank productive

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“force of the human mind,” from which monachism had arisen. It was like all other furious and unnatural passions, in its nature transient. It languished in the discredit of miracles and the absence of persecution, and was gradually melted down in the sunshine of tranquillity and opulence so long enjoyed by the church. The soul which actuated monachism had fled. The skeleton only remained to load and deface society.—The dens of fanaticism, where they did not become the recesses of sensuality, were converted into the sties of indolence and apathy. The moral power therefore no longer existed, for the spirit by which the legislator could alone have moved these bodies was no more. The product of fanaticism was therefore not fit to be the instrument of wisdom. Nor had any new spirit succeeded which might be an instrument in the hands of legislative skill. These short-lived phrenses leave behind them an *inert* product, in the same manner as, when the fury and splendour of volcanic eruption is past for ages, there still remains a mass of *lava* to encumber the soil, and deform the aspect of the earth *.

The

* It is urged by Mr. Burke, as a species of incidental defence of monachism, that there are many modes of industry, from which benevolence would rather rescue men than from monastic quiet. This must be allowed, in one view, to be true. But, though the laws *must permit* the natural progress which produces this species of labour, does it follow, that they ought to create monastic seclusion? Is the existence of one source of misery a reason for opening another? Because noxious drudgery *must* be tolerated, are we to *sanction* compulsory inutility? Instances of similar

The sale of the monastic estates is also questioned by Mr. Burke on a commercial principle. The sum of his reasoning may be thus expressed:—The surplus product of the earth forms the income of the landed proprietor. That surplus the expenditure of some one must disperse; and of what import is it to society, whether it be circulated by the expence of one landholder, or of a society of monks? A very simple statement furnishes an unanswerable reply to this defence. The wealth of society is its stock of productive labour. There must, it is true, be unproductive consumers, but the fewer their number, the greater (*all things else being the same*) must be the opulence of a state. The possession of an estate by a society of monks establishes, let us suppose, forty unproductive consumers. The possession of the same estate by a single landholder, only necessarily produces one. It is therefore evident there is forty times the quantity of labour subtracted from the public stock, in the first case, than there is in the second. If it be objected that the

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lar bad reasoning, from what society *must* suffer to what she *ought* to enact, occur in other parts of Mr. Burke's production. We in England, he says, do not think £10,000 a year worse in the hands of a bishop than in those of a baronet or a 'squire. Excessive inequality is in both cases an enormous evil. The laws *must* permit property to grow as the course of things affects it. But ought they to add a new factitious evil to this natural and irremediable one? They cannot avoid inequality in the income of *property*, because they must permit property to distribute itself. But they can remedy excessive inequalities in the income of *office*, because the income and the office are their creatures.

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domestics of a landholder are unproductive, let it be remarked that a monastery has its servants, and that those of a *lay* proprietor are not *professionally* and perpetually unproductive, as many of them become farmers and artisans; and it is to be observed above all, that many of them are married. Nothing then can appear, on a plain commercial view of the subject, more evident, than the distinction between lay and monkish landholders. It is surely unnecessary to appeal to the motives which have every where produced statutes of *mortmain*, the neglected estate in which the land of ecclesiastical corporations is suffered to remain, and the infinite utility which arises from changes of property in land. The face of those countries where the transfers have been most rapid, will sufficiently prove their benefit. Purchasers seldom adventure without fortune, and the novelty of their acquisition inspires them with the ardour of improvement.

DR. PRIESTLEY.

I SHALL select the following, as some of the strongest passages in your publication upon the subject of an *elective clergy*, and I shall then make a few remarks upon them.

Letters to
the Right
Hon. Ed-
mund
Burke.

“ The present ruling power” (viz. of France)
 “ has,” you say, “ made a degrading, pensionary
 “ establishment, to which no man of liberal ideas,
 “ or liberal condition, will destine his children.
 “ It must settle into the lowest classes of the people.
 “ As, with you, the inferior clergy are not nume-
 “ rous enough for their duty ; as these duties are
 “ beyond measure minute and toilsome ; as you
 “ have left no middle classes of clergy at their ease,
 “ in future nothing of science or erudition can
 “ exist in the Gallican church. To complete the
 “ project, without the least attention to the rights
 “ of patrons, the assembly has provided in future
 “ an elective clergy ; an arrangement which will
 “ drive out of the clerical profession all men of
 “ sobriety, all who can pretend to independence
 “ in their function or their conduct, and which
 “ will throw the whole direction of the public
 “ mind into the hands of a set of licentious, bold,
 “ crafty, factious, flattering wretches, of such con-
 “ dition, and such habits of life, as will make their
 “ contemptible pensions (in comparison of which
 “ the stipend of an exciseman is lucrative and ho-
 “ nourable) an object of low and illiberal intrigue.

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“ In short,” you say, “ it seems to me, that
 “ this new ecclesiastical establishment is intended
 “ only to be temporary, and preparatory to the
 “ utter abolition, under any of its forms, of the
 “ christian religion, whenever the minds of men
 “ are prepared for this last stroke against it, by the
 “ accomplishment of the plan for bringing its mi-
 “ nisters into universal contempt. I hope,” you
 add, “ their partisans in England will succeed
 “ neither in the pillage of the ecclesiastics, nor in
 “ the introduction of a principle of popular elec-
 “ tion to our bishoprics and parochial cures.
 “ This, in the present condition of the world,
 “ would be the last corruption of the church, the
 “ utter ruin of the clerical character, the most
 “ dangerous shock that the state ever received
 “ through a misunderstood arrangement of re-
 “ ligion.”

Now, sir, had you reflected ever so little on
the nature of the case, had you read *ecclesiastical*
history, or had you opened your eyes to *existing*
facts, such as almost obtrude themselves upon the
 most careless observer every day, you must have
 perceived that an *elective clergy* must have, always
 has had, and at this present time actually has,
 effects the very reverse of those with which your
imagination (for here *judgment* is totally out of the
 question) is haunted.

Is it not true that, in all cases of a *civil* nature,
 every person who receives a salary for any duty
 whatever, will be more attentive to that duty,
 when

when the person who pays the salary, and who is interested in the proper discharge of the duty, has ~~the~~ power of appointing and dismissing him? The reason is obvious. It then becomes the interest of the person who performs the duty, as well as of the person who is benefited by it, that it be *well done*. And can it make any difference, whether the duty be of an ecclesiastical or of a civil nature, when both are discharged by *men*, beings of the same passions, and subject to the same influences? Every man will do his duty best when he has the eye of a master immediately upon him. Please, sir, to make the trial. Let your domestic servants, or your domestic chaplain, be appointed not by yourself, but some other man, or body of men, and let it be as difficult and as slow a process, to obtain a change of them, as it is now for a parish to get rid of a minister whose conduct disgraces them, which is but too often the case; I do not believe that, upon this plan, you would have much expectation of being well served.

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ley.

You dread a scene of *faction* and low *intrigue* among the clergy who should be candidates for places in the church. But what was the fact for more than a thousand years in the christian church in general, when all the bishops and clergy were elective, when *men* were the same that they are now, and when whatever you imagine of peculiar zeal and disinterestedness, in the primitive times of the church, was certainly abated? Or what is

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now the case with the dissenters in this country, and through all the states of North America, where the officiating clergy of all denominations are now, and ever have been elective? In ancient times, where the emoluments were great, as in the churches of Alexandria, Antioch, Constantinople, and Rome, the election of bishops was sometimes attended with factions, and dangerous ones; but even there cases of this kind were rare, and in the ordinary fees they seldom or never happened. There are more than a thousand dissenting ministers in this kingdom, and they are all elected by their respective congregations; but any great inconvenience attending an election of this kind very seldom occurs. It is probable that you, though living in the country, and acquainted with dissenters, never heard of any such thing, any more than in America or in Ireland.

So far is there from being any cabal or intrigue to obtain places with us, that the person chosen seldom hears of it till his invitation is sent to him; and any thing like canvassing would be an effectual bar to his election. Indeed it very seldom happens that there is more than one candidate named at one time, and the members of any congregation are considered as very imprudent if they admit of two. Besides, if any improper proceedings should occur, it will be easy to provide remedies.

You say, that no person liberally educated, or any other than those in the lowest classes of life, will be candidates for church preferment. This,
sir,

fir, goes upon the idea that no person will officiate
 in a christian church but for the sake of the tem-
 poral emolument which he receives from it; which
 is a most unjust and ill-founded reflection on chris-
 tianity, and the ministers of it. It may, indeed,
 be the case with a church the articles of which
 men of sense cannot subscribe, and the stated duty
 of which is against their consciences. For such
 services as *these* men must be *paid*, and very well
 paid too; and in general it will be done for no-
 thing but the pay. But this is not the case with
us, nor was it so in the early ages of the church.
 Though few of our salaries will more than half
 maintain us, there are never wanting persons of
 independent fortune, and the most liberal educa-
 tions, who voluntarily devote themselves to the
 work of our ministry. From unbiaſſed choice
 they give their time, and their fortunes, to an em-
 ployment which they deem to be most honourable
 and important, in whatever light it may appear
 to *you*; and our situation is such, that few besides
 persons of some ability and piety will think of the
 profession.

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So respected is the character of a minister with
 us, though the case may be different with you,
 that whatever was his original rank in life, it places
 him on a level with the most opulent of his con-
 gregation; and it rarely happens but that, in all
 our congregations, there are some persons of as
 good fortunes, and as polished manners, as any
 others in the town or neighbourhood. On this
 account,

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account, as well as from a principle of genuine piety and benevolence, the situation of a dissenting minister has many attractions, especially to a person of a serious and studious turn of mind. We think it greatly preferable to that of the generality of the established clergy, with all their prospects of preferment, which often produce a cringing and servile disposition. And I will venture to say, that, independent of the private fortunes which many of our ministers have, their character and conduct render them as truly respectable, and independent in mind, as any set of clergy in the world; far more so, I am confident, than yours, with all the advantages you boast.

In consequence of the bishops in France becoming elective, you imagine that nothing of *science*, or *erudition*, will henceforth exist in the Gallican church. But did nothing of this kind exist in the christian church before the bishops ceased to be elective, which was a change made of late years in comparison? History shews the very reverse to have been the case. The dignified clergy, whom the court makes independent of the people, are not those who, in any country, produce learned theological works, but generally men in the lower orders, and who have no motive to choose their profession besides an attachment to the duties and studies peculiar to it, and who wish to distinguish themselves in it. Very few of the bishops of your church have been writers, at least after they were made bishops. The greatest works your church
has

has to boast of were the productions of obscure
 clergymen; and, despicable as our situation may
 appear to you, who certainly know very little
 about us, an application to the studies suited to
 our profession, appears, by the number of our
 writings, to be much greater than among the
 clergy of the established church. The relation
 we stand in to our congregations ensures a respect-
 able private character, and in a manner obliges
 us to devote the leisure we have to literature, to
 science, and to professional studies. How strangely,
 sir, must you be blinded by your high church
 prejudices, not to perceive that this both *is*, and
 necessarily *must be*, the difference between the
 clergy of the established church and ministers
 with us! a difference greatly to our advantage;
 and it arises wholly from our people having the
 choice of their ministers, and of course a power of
 dismissing them when, on any account, they do
 not approve of them.

You insinuate, that the scheme to render the
 clergy of France elective is preparatory to an
 intended abolition of christianity; as if christianity
 did not exist, and exist in infinitely greater purity,
 before any of the clergy were otherwise than elec-
 tive. On the contrary, it is the system of church
 establishments that always has produced, and that
 ever must produce, unbelievers. You make it a
 mere engine of state, a source of *wealth* to some
 of the clergy, and of *power* to those who have the
 nomination of them; and in both cases the proper
 interests

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interests of *religion* are never thought of. In consequence of this, it is notorious that the superior clergy in France and Italy have long been generally considered as unbelievers, as well as those who procure them their preferment. That the church of England is not exempt from the same censure, I have actually known myself; and it is highly probable that, from similar causes, it still exists in a degree which I have now no opportunity of knowing. Yet, though you clearly see that a splendid church establishment, with bishops appointed by the court, actually makes many of the clergy mere *men of the world*, so that they have nothing of the *christian minister* besides the name, and the consequence of this has been the disbelief, and utter contempt, of christianity in men of rank and fortune, you would pretend that the abolishing of christianity would be the consequence of their dissolution. Indeed, sir, both the nature of the case, and facts which are obvious to the most careless eye, shew that christianity cannot be preserved along with them. They are a disease that must be extirpated, or the subject will be destroyed.

You enlarge much on the ill policy of the national assembly of France, in dissolving the *monastic institutions* of that country, acknowledging, at the same time, that “they favour of superstition. “This,” you say, “ought not, however, to hinder “them from deriving from superstition itself, any “resources which from thence may be furnished “for the public advantage.” You do not say what

what uses, religious or political, you would have made of the funds of these societies; but as you acknowledge that “the body of all true religion consists in obedience to the will of the Sovereign of the universe, in a confidence in his declarations, and in an imitation of his perfections,” it is sufficient, I should think, for a state to provide for *this*. If the state give the *body*, let the individuals themselves provide the *clothing*; and to what better use can public lands and funds be applied, than to liquidate the debts of a state?

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Monastic institutions have, no doubt, had their uses, and very great uses, when there was no other retreat for letters, or from the bustle of a barbarous age. But as literature and piety do not now want that asylum, and every purpose of useful religion may be gained as well, and even better, without it, what reason can there be for its continuance? Why preserve an old and inconvenient road, when a better is actually gained? Rather convert it into good arable or pasture land.

It is, besides, impossible to encourage superstition but at the expence of true religion, as the experience of every age demonstrates. The duties of superstition are better defined than those of religion. Men know precisely when they have recited a certain number of prayers, or when they have received a certain number of lashes; but the great duties of benevolence (which, indeed, can only be discharged in society) are indefinite, and withal require an attention to the *inward temper of mind*,

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mind, which is far more difficult than any of the injunctions of superstition. Will it not be natural, then, for men to attach themselves to the one, and neglect the other, especially when they are taught that the same end may be gained by either?

The very *principle* upon which monachism is founded, is false and delusive. It is that men, capable of performing the duties of life, may become fit for heaven by solitary meditation and prayer, without mixing with the world at all. While monasteries are kept up, this idea is encouraged. I cannot help thinking, therefore, that the national assembly acted very wisely, when, in order to relieve themselves from the difficulties which the folly and extravagance of a former government had brought upon the country, they adopted the measure of abolishing their monasteries, making, however, a sufficient provision for the inhabitants of them.

You will not pretend to say, that monastic institutions are any necessary part of the christian system, since no mention is made of any such thing in the new testament; since such establishments as you lament the fall of, are in fact but recent things; and since christianity has not been found to suffer any thing by the demolition of them, in this or any other protestant country.

But “ in monastic institutions,” you say, “ in
“ my opinion, was found a great power for the
“ mechanism of politic benevolence. There were
“ revenues with a public direction; there were
“ men

“ men wholly set apart and educated to public Dr. Priest-
ley.
 “ purposes, without any other than public ties, and
 “ public principles; men without a possibility of
 “ converting the estate of the community into a
 “ private fortune; men denied to self-interest,
 “ whose avarice is for the community; men to
 “ whom personal poverty is honour, and implicit
 “ obedience stands in the place of freedom. In
 “ vain shall a man look to the possibility of making
 “ such things when he wants them. The winds
 “ blow as they list. These institutions are the
 “ products of enthusiasm; they are the instruments
 “ of wisdom. Wisdom cannot create materials,
 “ they are the gifts of nature, or chance; her pride
 “ is in the use. To destroy any power,” you say,
 “ growing wild from the rank productive force of
 “ the human mind, is almost tantamount, in the
 “ moral world, to the destruction of the apparently
 “ active properties of bodies in the material. Had
 “ you no way of using the men, but by converting
 “ monks into pensioners?”

Upon this principle, of no *power* being to be
destroyed, but only to be *regulated*, the greatest
 abuses may be perpetuated; because, in many
 cases, there is no preventing the abuse without de-
 stroying the power itself. Such, for example, is
 the claim of the popes to universal dominion over
 the christian church, and even over temporal
 princes; in fact, the assumption of *all power in*
heaven and in earth. Such, also, is the power of a
 priest to give absolution of sins. To you it signifies
 3 nothing

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nothing to allege, that these were altogether, and from the beginning, *innovations* and *abuses* in the christian system. You answer, that they were *great powers, which cannot be created at pleasure*, and therefore, that a wise statesman would be an advocate for their preservation, and not for their destruction.

To adopt your mode of reasoning, such deep-rooted opinions, as formerly prevailed in all the christian world, of an immense power lodged for the wisest purposes in one visible head of the church, the sublime idea of one *spiritual father of all christian princes*, who had no other bond of union, and who stood in great need of one, and the confidence that all christians once had in the absolving power of their priests, authorised to give advice and direction in all cases in which *conscience* was concerned; such opinions as these, you will say, cannot be produced at pleasure; they were the slow growth of ages, and a foundation of *great powers*, which, if once destroyed, will never rise again. It was, therefore, nothing else than madness, you would say, in the first reformers, to aim at the subversion of these powers, by refuting the opinions on which they were founded. They should have contented themselves with preserving the powers sacred and inviolable, and have contrived how to make a right use of them.

For the same reason, had you, in any country, as in Morocco, found the ideas of absolute power in the prince, of the sacredness of his person, and of the happiness of dying by his hand, you would have

have been careful not to destroy that *power*, which you might not be able to re-produce ; but, being happily in possession of it, would have made it subservient to the good of the country.

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I am glad, however, to find, that though all powers are to be *continued*, you allow of some improvement in the *application* of them, which implies some change for the better. This is also implied in what you say by way of apology for the old church establishment of France, viz. that “ it “ was an old one, and not frequently revised ;” as if some *revival*, at least, would have been proper. And if a revival of *this* establishment would have been proper, why not that of *ours* also ? Has the church of England acquired any prescriptive right, to stand in no need of any farther revision ; or are you, sir, authorised to say to reformation, *Hitherto shalt thou go, and no farther ?* If not, why your sneers at a certain *lay divine*, who only proposed a revival of the English liturgy and articles, which, in the opinion of many serious and thinking persons, though not in yours, very much want revision ? Why, also, did you oppose the petition of a number of conscientious clergymen, to be released from their present obligation to subscribe the thirty-nine articles, many of which you must yourself, surely, think are not absolutely essential to christianity ? Why, then, might not clergymen, as well as others, have been at liberty to speculate freely, and think as they saw reason to do, with respect to them ?

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On the same principles on which you opposed a revision of the church establishment of *this* country, you would, no doubt, have opposed a revision of that of France, of Turkey, or of Indostan. However, the spirit of reformation, which is now gone forth, is *another great power*, as well as the *existing systems* to be reformed by it; and it is a power which grows stronger as they grow weaker; so that there can be no doubt which of them will finally prevail, notwithstanding the aid that your potent arm may give them.

You boldly avow your attachment to old establishments, because they are old. “ In this enlightened age,” you say, “ I am bold enough to confess, that we are generally men of untaught feelings; that, instead of casting away all our old prejudices, we cherish them to a very considerable degree; and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them.”

On this principle, sir, had you been a pagan at the time of the promulgation of christianity, you would have continued one. You would also have opposed the reformation. You would, no doubt, have cherished the long and deep-rooted prejudice of the earth being the centre of our system, and every notion that was *old*; the creed of your nurse, and of your grandmother, in opposition to every thing *new*.

Cherish them, then, sir, as much as you please. Prejudice and error is only a *mist*, which the sun, which has now risen, will effectually disperse. Keep them about you, as tight as the countryman in the fable did his cloak; the same sun, without any more violence than the warmth of his beams, will compel you to throw it aside, unless you choose to sweat under it, and bear the ridicule of all your cooler and less encumbered companions. The spirit of free and rational enquiry is now abroad, and, without any aid from the powers of this world, will not fail to overturn all error and false religion, wherever it is found; and neither the church of Rome nor the church of England will be able to stand before it.

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Instead of your chimerical idea of *destroying no existing powers*, but of converting them to some *use*, which may answer no better than an attempt to tame a lion or a tiger, adopt a plainer maxim, infinitely better adapted to the weak faculties of man, viz. to *follow truth wherever it leads you*, confident that the interests of truth will ever be inseparable from those of virtue and happiness, and equally so to states as to individuals.

Your opinion of the *sacredness* and *majesty* of an established church, is most conspicuous in what you say of its *revenues*. On this subject you appear to have adopted maxims, which, I believe, were never before avowed by any protestant, viz. that the state has no power or authority over any thing that has once been the property of the church.

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“ From the united consideration of religion and
“ constitutional policy,” you say, “ from their opi-
“ nion of a duty to make a sure provision for the
“ consolation of the feeble, and the instruction of
“ the ignorant, they have incorporated and iden-
“ tified the estate of the church with the mass of
“ private property, of which the state is not the
“ *proprietor*, either for *use* or *dominion*, but the *guar-*
“ *dian* only, and the *regulator*. They have or-
“ dained that the provision of this establishment
“ might be as stable as the earth on which it stands,
“ and should not fluctuate with the Euripus of
“ funds and actions.”

○ If the state be not the *proprietor* of the church
lands, they must be the absolute *unalienable property*
of the *church*, that is, of *churchmen* only, and with-
out their consent no alienation of them is lawful.
Consequently, if all the members of the house of
commons, the king, and all the temporal lords,
should vote the alienation of any part of them, it
would be mere *robbery* without the consent of the
bishops, or, perhaps, that of the whole convocation
assembled for the purpose ; perhaps not even then,
the present clergy being only *trustees*, or having a
life estate in a revenue which belongs to their suc-
cessors. But, surely, if I have any knowledge of
the British constitution, this doctrine is absolutely
new to it, and certainly not deduced from the actual
conduct of parliament, which has disposed of a
very great proportion of what was once the pro-
perty of the church. I even question whether the
principle

principle you here avow, would at this day be acknowledged at St. Omers. The catholics of France had evidently no idea of the kind, and indeed it is for this that you reproach them.

Dr. Priest-
ley.

The Dutch, and other protestant states, have confiscated all the old church property, and pay their clergy from the same public treasury out of which the officers of the army and navy are paid; and they, no doubt, think themselves justified in so doing. A great proportion of the tithes in this country, and, as I am informed, the whole of them in Scotland, are now in the hands of lay proprietors, who, in your opinion, must all be guilty of *sacrilege*, though their conduct be sanctioned by the law of the land.

If the right of the church to its revenues is not to be affected by any act of a civil legislature, and if it be not derived from any *ordinance of man*, it must come to them from the *ordinance of God*. But where, sir, do you find any record of this? There is no mention made of tithes, or of any other permanent church property, in the new testament; and if it has been by the ordinance of God in any period subsequent to the writing of those books, it is incumbent upon you, sir, and other advocates for the unalienable property of the church, to shew when the grant was made, and by what miracle (for nothing else can answer the purpose) it was confirmed. But every thing relative to the revenues of the church, is easily traced in history. We very well know *when* and *whence* every branch of

Dr. Priest-
ley.

it arose. It was altogether the ordinance of *men*, and generally of weak, superstitious, and priest-ridden men. And surely the mischiefs which have been found to arise from the folly of one age, ought to be removed by the wisdom of a subsequent one. In one passage, indeed, you allow all that I contend for, when you say, “ when once the commonwealth has established the estates of the church as property;” for this implies that the estates of the church are the gift of the commonwealth, or state; and what the state has *given*, it may surely *take away*. This is one among many inconsistencies in your work.

Such, I flatter myself, is the light of the present day, that, confident as you are of your maxim, and of the members of our legislature acting upon it, you will some time or other find yourself mistaken. “ The commons of Great Britain,” you say, “ in a national emergency, will never seek their resource from the confiscation of the estates of the church and poor. Sacrilege and proscription are not among the ways and means of our committee of supply. The Jews in ’Change-alley have not yet dared to hint their hopes of a mortgage on the revenues belonging to the see of Canterbury. I am not afraid that I shall be disavowed, when I assure you, that there is not *one* public man in this kingdom, whom you would wish to quote, no, not one of any party or description, who does not reprobate the dishonest, perfidious, and cruel confiscation which the national assembly
“ has

“ has been compelled to make, of that property
 “ which it was their first duty to protect.”

Dr. Priest-
 ley.

I am surpris'd, sir, that you should not be sensible that this declaration is by no means true in fact. It is in my own power to quote many persons in public life, who greatly approve that conduct of the national assembly of France which you so strongly condemn. You forget that *Salus reipublicæ est suprema lex*; and if ever the circumstances of this country should be such, as that either the interest of the *church* or that of the *state* must be abandoned, I have no doubt but that, with general approbation, the former would be readily sacrificed to the latter.

You have made the provision for the *poor* as sacred as that for the *church*. But certainly this was the institution of *man*, or rather of *woman*; for it took its rise in the time of queen Elizabeth, in this country, and is not known in any other. To many persons, as well as to myself, our method of providing for the poor is no proof of the wisdom of our ancestors. It takes from man the necessity of *fore-sight*, and, instead of being the most provident, makes him the most improvident of all creatures. So far are our poor laws from encouraging industry, that they encourage idleness, and of course profligacy. Such is the state of this country, burthened with taxes to support the church and the poor, and to pay the interest (the principal is out of the question) of debts contracted by the folly of our

Dr. Priest-
ley.

ancestors, that its ability to support itself under them is very problematical.

“ It is,” you say, “ from our attachment to a
“ church establishment, that the English nation did
“ not think it wise to intrust that great funda-
“ mental interest of the whole, to what they trust
“ no part of their civil or military public service,
“ that is, to the unsteady and precarious contribu-
“ tion of individuals. They go farther—They
“ certainly never have suffered, and never will suf-
“ fer, the fixed estate of the church to be convert-
“ ed into a pension, to depend on the treasury,
“ &c. The people of England think that they
“ have constitutional motives, as well as religious,
“ against any project of turning their independent
“ clergy into ecclesiastical pensioners of state. They
“ tremble for their liberty, from the influence of
“ a clergy dependent on the crown ; they tremble
“ for the public tranquillity, from the disorders of
“ a factious clergy, if it were made to depend upon
“ any other than the crown. They therefore made
“ their church, like their king, and their nobility,
“ independent.”

There are several positions in this paragraph, that appear to me rather extraordinary. The *clergy*, to be as independent as *the crown*, or *the nobility*, should have a negative in all proceedings in parliament. But the clergy are, in fact, dependent upon the crown, and must necessarily be so, while the crown has the disposal of all bishop-
rics,

rics, and other great preferments ; and the effect of this is seen by their voting with the crown. It is also no compliment to the general disposition of the clergy, that you should tremble for the effects of their *façtions*, if they were to depend upon any other than the crown. I should think, however, that, if they be so dangerous a body of men, you might make yourself rather easier, if they were made to depend on the *whole legislature*, and not upon the crown only, to which they now give a dangerous accession of power.

Dr. Priest-
ley.

But, fir, only take away the emoluments of the clergy, and leave them to subsist, as we dissenting ministers do, and as the apostles and bishops in primitive times did, on the voluntary contributions of those who are benefited by their ministry, and you will effectually remove all cause of trembling on their account. Let them be naturally as quarrelsome as dogs, they will be as quiet as lambs, if no bone of contention be thrown among them. What danger arises from *our* divisions, or those of the many discordant sects which have ever existed in North America ? Be they ever so great, we never trouble the state with them, and we are unanimous and hearty in every common cause respecting either christianity or public liberty.

ANNO-

ANONYMOUS.

Advice to
the Privi-
leged Or-
ders, &c.

THIS engine, in all ages of the world, has been the church *. It has varied its appellation, at different periods and in different countries, according to the circumstances of nations, but has never changed its character; and it is difficult to say, under which of its names it has done the most mischief, and exterminated the greatest number of the human race. Were it not for the danger of being misled by the want of information, we should readily determine, that under the assumption of christianity it has committed greater ravages than under any other of its dreadful denominations.

But we must not be hasty in deciding this question; as, during the last fifteen centuries, in which we are able to trace with compassionate indignation the phrensy of our ancestors, and contemplate the wandering demon of carnage, conducted by the *cross* of the west, the lights of history fail us

* From that association of ideas which usually connects the *church* with *religion*, I may run the risk of being misunderstood by some readers, unless I advertise them, that I consider no connection as existing between these two subjects; and that where I speak of church *indefinitely*, I mean the government of a state, assuming the name of God, to govern by divine authority; or, in other words, *darkening the consciences of men, in order to oppress them.*

with

with regard to the rest of the world ;—we cannot travel with the *crescent* of the east, in its unmeasurable devastations from the Euxine to the Ganges ; nor tell by what other incantations mankind have been inflamed with the lust of slaughter, from thence to the north of Siberia, or to the south of Africa.

Anonymous.

Could we form an estimate of the lives lost in the wars and persecutions of the christian church alone, it must be nearly equal to the number of souls now existing in Europe. But it is perhaps in mercy to mankind, that we are not able to calculate, with any accuracy, even this portion of human calamities. When Constantine ordered that the *kierarchy* should assume the name of Christ, we are not to consider him as forming a new weapon of destruction ; he only changed a name which had grown into disrepute, and would serve the purpose no longer, for one that was gaining an extensive reputation ; it being built on a faith that was likely to meet the assent of a considerable portion of mankind. The cold-hearted* cruelty of that monarch's

* The report of Zosimus, respecting the motives which induced Constantine to embrace christianity, has not been generally credited, though the circumstance is probable in itself, and the author is considered in other respects an historian of undoubted veracity ; having written the history of all the emperors down to his own time, which was the beginning of the fifth century. His account is, That Constantine could not be admitted into the *old established church of Ceres* at Eleusis, on account of the enormity of his crimes, in the murder of many of his own family. But on his demanding admission, the hierophant cried out with horror,

Anonymous.

monarch's character, and his embracing the new doctrines with a temper hardened in the slaughter of his relations, were omens unfavourable to the future complexion of the hierarchy ; though he had thus coupled it with a name that had hitherto been remarkable for its mildness and humiliation. This transaction has therefore given colour to a scene of enormities, which may be regarded as nothing more than the genuine offspring of the *alliance of church and state*.

This fatal deviation from the principles of the first founder of the faith, who declared that his *kingdom was not of this world*, has deluged Europe in blood for a long succession of ages, and carried occasional ravages into all the other quarters of the globe. The pretence of extirpating the idolatries

horror, " Begone, thou parricide, whom the gods will not pardon." The christian doctors seized this occasion to administer to the wants of the emperor, on condition that he would administer to theirs ; the bargain was advantageous on both sides ; he declared himself a christian, and took the church under his protection, and they pronounced his pardon.

The fawning servility of the new church, and the blunt severity of the old, on that occasion, mark the precise character of the ecclesiastical policy of all ages ; and both examples have been followed in numerous instances. The manœuvres of the pope on the conversion of Clovis, on sanctioning the usurpation of Pepin, and on the coronation of Charlemagne, are among the imitations of the former ; the ridiculous chastisement of Henry the second of England, and the numerous anathemas fulminated against whole kingdoms, are proofs of the latter. We may likewise remark, that the conduct of Constantine has been copied in all its essential points by Henry the eighth.

of

of ancient establishments, and the innumerable heresies of the new, has been the never-failing argument of princes as well as pontiffs, from the wars of Constantine down to the pitiful, still-born rebellion of Calonne and the count d'Artois.

Anonymous.

From the time of the conversion of Clovis, through all the Merovingian race, France and Germany groaned under the fury of ecclesiastical monsters, hunting down the Druids, overturning the temples of the Roman polytheists, and drenching the plains with the blood of Arians. The wars of Charlemagne against the Saxons, the Huns, the Lombards, and the Moors, which desolated Europe for forty years, had for their principal object the extending and purifying of the christian faith. The crusades, which drained Europe of its young men at eight successive periods, must have sacrificed, including Asiatics and Africans, at least four millions of lives. The wars of the Guelfs and Gibelins, or pope and anti-pope, ravaged Italy, and involved half Europe in factions for two centuries together. The expulsion of the Moors from Spain depopulated that kingdom by a war of seven hundred years, and established the inquisition to interdict the resurrection of society ; while millions of the natives of South America have been destroyed by attempting to convert them.

In this enumeration, we have taken no notice of that train of calamities which attended the reconversion of the eastern empire, and attaching it to the faith of Mahomet ; nor of the various havoc
which

Anonymous.

which followed the dismemberment of the catholic church by that fortunate schism, which by some is denominated the Lutheran heresy, and by others the protestant reformation.

But these, it will be said, are only general traits of uncivilised character, which we all contemplate with equal horror, and which, among enlightened nations, there can be no danger of seeing renewed. It is true, that in several countries the glooms of intolerance seem to be pierced by the rays of philosophy; and we may soon expect to see Europe universally disclaiming the right of one man to interfere in the religion of another. We may remark however, *first*, that this is far from being the case at this moment; and *secondly*, that it is a blessing which never can originate from any state-establishment of religion. For proofs of the former, we need not penetrate into Spain or Italy, nor recall the history of the late fanatical management of the war in Brabant—but look to the two most enlightened countries in Europe; see the riots at Birmingham, and the conduct of the refractory priests in France.

With regard to the second remark—we may as well own the truth at first as at last, and have sense this year as the next: *the existence of any kind of liberty is incompatible with the existence of any kind of church.* By *liberty* I mean the enjoyment of equal rights, and by *church* I mean any mode of worship declared to be national, or declared to have any preference in the eye of the law.

To

To render this truth a little more familiar to the mind of any reader who shall find himself startled with it, we will take a view of the church in a different light from what we have yet considered it. We have noticed hitherto only its most striking characteristics, in which it appears like a giant, stalking over society, and wielding the sword of slaughter ; but it likewise performs the office of silent disease and of unperceived decay ; where we may contemplate it as a canker, corroding the vitals of the moral world, and debasing all that is noble in man. Anonymous.

If I mention some traits which are rather peculiar to the Roman catholic constitution, it is because that is the predominant church in those parts of Europe where revolutions are soonest expected ; and not because it is any worse or any better than any other that ever has or ever can exist. I hinted before, and it may not be amiss to repeat, that the hierarchy is every where the same, so far as the circumstances of society will permit ; for it borrows and lends, and interchanges its features in some measure with the age and nation with which it has to deal, without ever losing sight of its object. It is every where the same engine of state ; and whether it be guided by a lama or a mufti, by a pontifex or a pope, by a bramin, a bishop, or a druid, it is entitled to an equal share of respect.

The first great object of the priest is to establish a belief in the minds of the people, that *he himself*
is

Anonymous. *is possessed of supernatural powers*; and the church at all times has made its way in the world, in proportion as the priest has succeeded in this particular. This is the foundation of every thing—the life and soul of all that is subversive and unaccountable in human affairs; it is introducing a new element into society; it is the rudder under the water, steering the ship almost directly contrary to the wind that gives it motion.

A belief in the supernatural powers of the priest has been inspired by means which in different nations have been known by different names—such as astrologies, auguries, oracles, or incantations. This article once established, its continuation is not a difficult task; for, as the church acquires wealth, it furnishes itself with the necessary apparatus, and the trade is carried on to advantage. The imposition too becomes more easy from the authority of precedent, by which the inquisitive faculties of the mind are benumbed; men believe by prescription, and orthodoxy is hereditary.

In this manner every nation of antiquity received the poison in its infancy, and was rendered incapable of acquiring a vigorous manhood, of speaking a national will, or of acting with that dignity and generosity which are natural to man in society. The moment that Romulus consulted the oracles for the building of his city, that moment he interdicted its future citizens the enjoyment of liberty among themselves, as well as all ideas of justice

tice towards their neighbours. Men never act their own opinions, in company with those who can give them the opinions of gods; and as long as governors have an established mode of consulting the auspices, there is no necessity to establish any mode of consulting the people. *Nihil publice sine auspiciis nec domi nec militiæ gerebatur**, was the Roman *magna charta*; and it stood in place of a declaration of the rights of man. There is something extremely imposing in a maxim of this kind. Nothing is more pious, peaceful, and moderate in appearance; and nothing more savage and abominable in its operation. But it is a genuine *church-maxim*, and, as such, deserves a further consideration.

Anonymous.

One obvious tendency of this maxim is, like the feudal rights, to inculcate radical ideas of inequalities among men; and it does this in a much greater degree. The feudal distance between man and man is perceptible and definite; but the moment you give one member of society a familiar intercourse with God, you launch him into the region of infinities and invisibilities; you unfit him and his brethren to live together on any terms but those of stupid reverence and of insolent abuse.

Another tendency is to make men cruel and savage in a preternatural degree. When a person believes that he is doing the immediate work of God, he divests himself of the feelings of a man.

* *Cicero de Divinatione*, lib. i.

Anonymous.

And an ambitious general, who wishes to extirpate or to plunder a neighbouring nation, has only to order the priest to do his duty, and set the people at work by an oracle: they then know no other bounds to their phrensy than the will of their leader, pronounced by the priest; whose voice to them is the voice of God. In this case, the least attention to mercy or justice would be abhorred, as a disobedience to the divine command. This circumstance alone is sufficient to account for two-thirds of the cruelty of all wars—perhaps in a great measure for their existence—and has given rise to an opinion, that nations are cruel in proportion as they are religious. But the observation ought to stand thus, *That nations are cruel in proportion as they are guided by priests*; than which there is no axiom more undeniably without exception.

Another tendency of governing men by oracles, is to make them factious and turbulent in the use of liberty when they feel themselves in possession of it. In all ancient democracies, the great body of the people enjoyed no liberty at all; and those who were called freemen exercised it only by starts, for the purpose of *revenging* injuries—not in a regular constituted mode of *preventing* them; the body politic used liberty as a medicine, and not as daily bread. Hence it has happened, that the history of ancient democracies and of modern insurrections is quoted upon us, to the insult of common sense, to prove that a whole people is not capable of governing itself. It is the *want* of liberty,

liberty, and not the *enjoyment* of it, which has oc- Anonymously.
 casioned all the factions in society from the be-
 ginning of time, and will do so to the end ; it is
 because the people are *not* habitually free from
 civil and ecclesiastical tyrants, that they are dis-
 posed to exercise tyranny themselves. Habitual
 freedom produces effects directly the reverse in
 every particular. For a proof of this, look into
 America ; or, if that be too much trouble, look
 into human nature with the eyes of common sense.

When the christian religion was perverted and
 pressed into the service of government, under the
 name of the *christian church*, it became necessary
 that its priests should set up for supernatural powers,
 and invest themselves in the same cloak of infalli-
 bility of which they had stripped their predeces-
 sors, the druids and the augurs. This they ef-
 fected by miracles ; for which they gained so great
 a reputation, that they were canonized after death,
 and have furnished modern Europe with a much
 greater catalogue of saints than could be found
 in any breviary of the ancients. The polytheism
 of the catholic church is more splendid, for the
 number of its divinities, than that of the Eleusinian ;
 and they are not inferior in point of attributes.
 The Denis of France is at least equal to the Ju-
 piter of Greece, or the Apis of Egypt. As to su-
 pernatural powers, the case is precisely the same
 in both ; and the portions of infallibility are dealt
 out from the pope to the subordinate priests, ac-
 cording

Anonymous.

according to their rank, in such a manner as to complete the harmony of the system.

Cicero has written with as much judgment and erudition on the “corruptions” of the old Roman church, as Dr. Priestley has on those of the new. But it is not the *church* which is corrupted by men, it is *men* who are corrupted by the church; for the very existence of a church, as I have before defined it, is founded on a lie: it sets out with the blasphemy of giving to one class of men the attributes of God; and the practising of these forceries by that class, and believing them by another, corrupts and vitiates the whole.

One of the most admirable contrivances of the christian church is the business of *confessions*. It requires great reflection to give us an idea of the effects wrought on society by this part of the machinery. It is a solemn recognition of the supernatural powers of the priest, repeated every day in the year by every human creature above the age of twelve years. Nothing is more natural than for men to judge of every thing around them, and even of themselves, by *comparison*; and in this case what opinion are the laity to form of their own dignity? When a poor, ignorant, vicious mortal is set up for the *god*, what is to be the *man*? I cannot conceive of any person going seriously to a confessional, and believing in the equality of rights, as possessing one moral sentiment that is worthy of a rational being.

Another

Another contrivance of the same sort, and little ^{Anonymous.} inferior in efficacy, is the law of *celibacy* imposed on the priesthood, both male and female, in almost all church-establishments that have hitherto existed. The priest is in the first place armed with the weapons of moral destruction, by which he is made the professional enemy of his fellow men; and then, for fear he should neglect to use those weapons—for fear he should contract the feelings and friendships of rational beings, by mingling with society and becoming one of its members—for fear his impositions should be discovered by the intimacy of family connections—he is interdicted the most cordial endearments of life; he is severed from the sympathies of his fellow-creatures, and yet compelled to be with them; his affections are held in the *mortmain* of perpetual inactivity; and, like the dead men of Mezentius, he is lashed to society for tyranny and contamination.

The whole of this management, in selecting, preparing, and organizing the members of the ecclesiastical body, is pursued with the same uniform, cold-blooded hostility against the social harmonies of life. The subjects are taken from the younger sons of noble families, who from their birth are considered as a nuisance to the house, and an outcast from parental attachment. They are then cut off from all opportunities of forming fraternal affections, and educated in a cloister; till they enter upon their public functions, as discon-

Anonymous.

ned from the feelings of the community, as it is designed they shall ever remain from its interests.

I will not mention the corruption of morals, which must result from the combined causes of the ardent passions of constrained celibacy, and the secret interviews of the priest with the women of his charge, for the purpose of confessions; I will draw no arguments from the dissensions sown in families; the jealousies and consequent aberrations of both husband and wife, occasioned by an intriguing stranger being in the secrets of both; the discouragements laid upon matrimony by a general dread of these consequences in the minds of men of reflection—effects which are remarkable in all catholic countries; but I will conclude this article by observing the direct influence that ecclesiastical celibacy alone has had on the population of Europe.

This policy of the church must have produced at least as great an effect, in thinning society, as the whole of her wars and persecutions. In catholic Europe there must be near a million of ecclesiastics. This proportion of mankind continuing deducted from the agents of population for fifteen centuries, must have precluded the existence of more than one hundred millions of the human species.

Should the reader be disposed on this remark to listen to the reply which is sometimes made, that

Europe

Europe is sufficiently populous ; I beg he would suspend his decision, till he shall see what may be said, in the course of this work, on protected industry ; and until he shall well consider the effects of liberty on the means of subsistence. That reply is certainly one of the axioms of tyranny, and is of kin to the famous wish of Caligula, that the whole Roman people had but one neck.

Anonymous.

The French have gone as far in the destruction of the hierarchy as could have been expected, considering the habits of the people and the present circumstances of Europe. The church in that country was like royalty—the prejudices in its favour were too strong to be vanquished all at once. The most that could be done, was to tear the bandage from the eyes of mankind, break the charm of inequality, demolish ranks and infallibilities, and teach the people that mitres and crowns did not confer supernatural powers. As long as public teachers are chosen by the people, are salaried and removeable by the people, are born and married among the people, have families to be educated and protected from oppression and from vice ; as long as they have all the common sympathies of society to bind them to the public interest, there is very little danger of their becoming tyrants by force, and the liberty of the press will prevent their being so by craft.

In the united states of America there is no church ; and this is one of the principal circum-

Anonymous.

stances which distinguish that government from all others that ever existed; it ensures the unembarrassed exercise of religion, the continuation of public instruction in the science of liberty and happiness, and promises a long duration to a representative government.

Mr.

MR. CAPEL LOFFT.

FROM his principles of general government, in those points which he regards as containing the great outlines of a constitution, Mr. Burke proceeds to those incidental obstacles from prejudice and habit, to which a wise legislature is to apply its attention. And I own that I do think with him, that there are occasions where it is the best prudence to be tender, even to an apparent extreme, in the treatment of customs which have blended themselves with the opinions, the habits, the earliest and the latest views of a people. Light is to be offered; but in vain will it be forced upon them. And I do not see how even the greater part of a community can compel, without injustice and an unestimated infliction of suffering, a class of human beings, taught to form their views, their sentiments of obligation, their habits of thought and action, their hopes of comfort, and all the associations which constitute the character and disposition, upon a scale remote from the general usage of life, to quit their solitude, and be cast, unprepared, unconnected on the world. I do not see how, on the other hand, a religious order which the people has long beheld under certain circumstances, can suddenly and compulsively be placed in different and contrary circumstances, without great and unmerited distress to many individuals, and without essential disadvantage

Remarks
on the Letter of the
Right Hon.
Edmund
Burke.

Mr. Capel
Lofft.

advantage to the state, which always suffers by diminution of confidence when ancient privileges and advantages are seized from their possessors, without fair and full proof of their delinquency, or of the utter incompatibility of even the temporary continuance of the institutions on which they are founded, with the public security and freedom. A good and wise government would certainly never attempt to create and nourish prejudices for the sake of governing by them : happily, indeed, on the whole, it is true of prejudices, that they must be *found*, they cannot be created to serve an occasion : but those which it finds it would treat as nature, in her general œconomy, does the mists and vapours, so often the harbingers of a mild, splendid, and genial day. If suddenly precipitated, you have a chill and comfortless, if hastily driven by impetuous winds, a tempestuous, if not destructive day : but if gradually subsiding, as they generally do, as the influence of the sun advances from the dawn to the perfect day, they melt kindly and insensibly into the untroubled sky ; all is tranquillity, and progressive illumination. I think with Mr. Burke, that prejudices are generally so relative to the state of a people, so incorporated with right sentiments and assimilated to the best affections, so attached to the heart, and so slowly corrected by the understanding, that an attempt at once to expel them would not accelerate, but retard perfection ; not introduce order, but be the too readily obeyed signal of confusion.

I should therefore be no friend to any forcible means which should secularize the *monastic orders* of a state, or in a manner dissecularize the others; should trample on the solemn ornaments of the churches, or infringe the stillness of the cloister. To me, and to many, religion is in her proper garb when simple and unadorned: but if the custom of others has been to present her to their imaginations in habits which to their ideas are more suited to her native dignity, the end of both may be still the same: the habitual veneration of the deity, the dispositions of purity and benevolence, may be forming equally under different means adapted to our different tempers and early use. If we both are left at liberty to pursue our respective modes of expressing our common duty, without loss of civil or social estimation, all is right.

Mr. Capel
Lofft.

ANON

ANONYMOUS.

Historic
Memoir on
the French
Revolution

WITH regard to the resumption of the *church lands*, which is a very favourite theme of Mr. Burke's defamation, and which he preposterously represents as an act of lawless rapine, and a violation of the fundamental principles of public justice; I beg leave to observe, that it cannot be pretended that the *clergy* in *France*, or in any other kingdom, hold their ecclesiastical preferments by the same tenure with their private estates and personal property. The clergy are a class of citizens, to whom is allotted, in common with other classes of men of other descriptions, a portion of the national revenue, as a compensation for certain services to be rendered to the state or the community, and certain duties to be performed.—“ But,” to transcribe the words of the present excellent bishop of London, in his primary charge to the clergy of his diocese, “ if once we relinquish our proper
“ stations, and rush into the world; if we consider
“ our preferments merely as life-estates, without
“ any regard to the personal services and personal
“ duties with which they are charged; we shall
“ most assuredly forfeit the good opinion, and,
“ with this, the support of the state. The firm
“ ground we now stand upon, will sink from under
“ our feet, and our properties and revenues will be
“ swept away like those of our brethren in a neigh-
“ bouring

“bouring kingdom, whose despoliation is said to Anonymous
 “have been no less owing to their non-residence,
 “their love of pleasure, their loss of the public esteem,
 “than to the subversion of the civil government.”

Will any one dare to affirm, that, in cases similar to that which the venerable prelate here supposes, a resumption of that part of the national revenue, so uselessly, or rather so mischievously appropriated, would be no better than a public robbery? Nothing can be clearer, than that the state possesses the same inherent authority to reduce or resume the revenues of the clergy, as the revenues of the army, or of the various classes of persons employed in the civil departments of the state. Who will dispute the authority of the state to reduce the public stipends of the bench of judges? Do the bench of bishops hold their emoluments by a tenure more sacred? The ecclesiastical establishment itself exists but by the favour and permission of the state. And some who rank high as christian philosophers have not hesitated to declare themselves of opinion, that the whole apparatus is as superfluous as it is expensive; and that christianity flourished much more before it formed an alliance with the civil powers, than it has ever done since. And indeed, if the French are, as Mr. Burke asserts, a nation of atheists, notwithstanding the inestimable advantages which, according to him, result from a religious establishment, mere curiosity would lead us to enquire, what they would have been if no such establishment had ever existed. The national

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tional assembly are far from entertaining, however, the most distant idea of abolishing the ecclesiastical establishment. They have, indeed, blasted for ever the prospects of ambition and avarice in the church, by a reduction and equalization of its enormous wealth. They have abolished pluralities; they have enforced residence; they have extinguished patronage. These are the mighty evils they have done. And Mr. Burke, in his profound wisdom, has taken upon him to pronounce, “ that, “ in consequence of this arrangement, nothing of “ science or erudition can exist in the Gallican “ church; that all men of sobriety will be driven “ from the clerical profession; and that the Galli- “ can clergy will be degraded into a set of licen- “ tious, bold, crafty, factious, flattering wretches.” And he adds, “ that the present ruling powers have “ substituted, for that property of which they have “ plundered the church, a degrading pensionary “ establishment, to which no man of liberal ideas, “ or liberal condition, will destine his children.” But how do *facts* correspond with these weak, rash, and dogmatical assertions? Do men of liberal ideas, and liberal condition, in this or any other country, Utopia excepted, really scruple to accept of civil employments for themselves, or their children, because they are degraded by the pensionary establishments or pecuniary appointments annexed to them? If not—how will the ecclesiastical dignity be degraded by them? Are not the clergy in Holland, and America, and Switzerland, supported in
this

this manner? Then, why may not the French government adopt the same mode of supporting the French clergy, without being reviled for it by Mr. Burke? And though in the church of Scotland, as now in France, there are no middle classes of clergy, who *are left at their ease*, as Mr. Burke phrases it, or, in other words, who possess large revenues, and perform no services—"no lordly abbots, purple as their wines—no downy doctors, to slumber and fatten in the stalls of theology;" yet it will not be said, that nothing of science or erudition exists in the Scottish church, so long as a Robertson, a Campbell, a Gerard, a Blair, and many other names which might be enumerated, continue to adorn and dignify her communion.

REV. MR. NARES.

Principles
of Govern-
ment op-
posed to
French
Errors.

THOUGH it be a most false, and the refuge of a desperate perverseness, to assert that religion was at first invented by the magistrate or lawgiver, the better to effect his purposes; yet certain it is, that to law and public order there can be no aid so perfect or so powerful as religious principle. That which pervades the heart, and regulates the secret springs of actions, is able to prevent such crimes, and disposition towards offence, as human law can never take within its cognizance; and, by referring to a judge of infinite intelligence, excludes all hope of passing undetected. An aid so powerful should, most assuredly, be sought by every wise and prudent lawgiver; and a good man, in those circumstances, must naturally wish to make that doctrine prevalent which he himself believes to be divine.

Now it seems impossible, that without the aid of an establishment the culture of religion can be properly encouraged, or its permanence secured: for, though to entertain some notions of religion be so natural to man that he is hardly ever found divested of them totally, yet, to think correctly on a subject so abstruse, or to act consistently with such good principles as he admits, are things so little suited to his feeble reason and strong passions, that we find him always liable to the greatest corrup-
tions

tions in opinion, and the most extreme licentiousness in conduct.

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As an anchor, to prevent in some degree uncertain fluctuations, an establishment is highly useful. It is a public testimony of preference to the persuasion so maintained, by which it is enabled to command attention and respect. It enforces duties which might otherwise seem merely speculative; and gives, in due return for the support that law derives from the internal principle, the strength of law to regulate the outward practice.

The religion to be established in any country must be, for many reasons, that which the people, or an evident majority among them, may approve. In the first place, from a kind of necessity; for the people, having indefeasibly the main strength of the state residing in them, cannot, if it should become a contest, be compelled to pay obedience where they do not give assent: or if, in matters of less consequence, they might, yet in that which they so strongly feel as their religion they will not be so tractable. In the second place, from evident experience; for, as the end of an establishment, in common with all other plans of legislative wisdom, is *public benefit*, the greater number it embraces, the more widely are its benefits diffused.

With respect to the internal form of an establishment, should any be prescribed by the religion thus admitted, that of course must be preferred. If it be left to men, as in the christian revelation we have cause to think it is, to form the government

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of



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of church, as well as state, according to their views of general utility, then it must become a work of human wisdom like the former.

Without attempting a detail, which here would be misplaced, thus much at least is evident, that of things designed for similar ends, the regulation should also be, in wisdom, similar: consequently, as political establishment, constructed upon the knowledge of human nature, calls for a gradation of orders, with provision for the ablest minds to govern, and the inferior to obey, with prospects to excite a laudable ambition for the public service; so also in the church establishment there must be, for the same reasons, the like subordination, and the same incitements.

The ecclesiastical establishment, as well as every other in the state, must be made subject to the sovereign; and it will be right, that in this also, as in the others, he should be regarded as the primary source of honour. The popular election of bishops, according to the *new ecclesiastical system* in *France*, has something specious in it, and might answer well when all men had some purity of zeal; but in times of much corruption, we well know that the intriguing and impudent would always gain the advantage against modest piety, learning, and true merit.

As property is, by the natural principles of liberty, inviolable, and government itself is instituted principally for its defence; it is just and necessary, that ecclesiastical property, in whatever form conferred, should

should be held at least as sacred as all other. By ecclesiastical property, of course, is meant that provision and subsistence which men legally acquire by exercising religious functions, or by holding any certain rank within the church establishment; between which and all other property it seems that no distinction can be justly made; or, if any, such only as must be entirely in its favour.

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From the office which the ministers of religion hold, as employed in public worship, and in the general instruction of the people, it is necessary that the whole establishment should be maintained by law, on such a footing, that neither dependence may render them timid, nor indigence contemptible. The illiberal of all classes, if they could command their teacher, would insult him; and the vain, if his appearance were not decent, would despise him. We must proceed in this case, as in others, not upon the supposition of the virtues which men ought to have, but so as to obviate the danger of those vices which we know are always prevalent.

To all persuasions in religion, besides that legally established, should be given an entire toleration; with this exception only, that whenever there appears in any sect a hostile and an active spirit, eager to subvert and to supplant the church, to which the law has given establishment, such restrictions must be made as legislative wisdom shall esteem sufficient to defeat those machinations; that the country be not torn by contests the most violent

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and dangerous, nor the majority of the people interrupted in the worship they prefer, nor deprived of those advantages for the sake of which the establishment was at the first deemed necessary. To form an institution, and then refuse protection to it, would be the height of folly. So long as any dangers can be justly apprehended, to endeavour to remove such laws as form a barrier to the church established, would be to try to make the legislature counteract itself; to persuade an honest man to give away his own security, and yield, through mere well-meaning, his only weapons of defence to those who have declared themselves his enemies. While religious opinions continue matter of speculation, or of private observance only, they fall not within the jurisdiction of the legislator; but when they are productive of designs and actions destructive of that order which the wisdom and goodness of the nation have appointed, they then require restraint and counteraction.

ANONYMOUS.

RELIGIOUS institutions have generally, if not constantly, resembled the co-existing civil institutions of the countries in which they prevailed, both in their exterior and in their interior frame : and there has been perceived to subsist between religious and civil institutions, an action which has at all times been mutual, and for the most part uniform. These facts may be illustrated by referring to the history of nations, either ancient or modern.

Civil and
Ecclesiasti-
cal Systems,
&c. defend-
ed, &c.

It is not necessary to dwell upon what is recorded of the religious and the civil establishments of the Jews (in the formation of which the Omniscient himself was concerned), it being universally known, that among that people religion and politics were not merely allied, but in every part thoroughly blended and incorporated.

I shall say nothing of the religious systems of those fathers of science and of elegance, the Egyptians and the Greeks, or of the purposes to which they applied them ; being convinced, that wherever the dull, unfeeling advocates of metaphysical polity obtain a hearing, analogies drawn from the venerable rites of past ages can have but little weight. Yet I must say, that, as both of those celebrated nations possessed great wisdom, none of their institutions can be supposed to have been en-

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tirely void of importance, with regard to either its structure or its destination.

I shall not expatiate on the sacred institutions even of the Romans. I shall forbear to point out, how constantly the religious notions of that celebrated people mingled with their political deliberations; and also, in what degree they contributed to the success of their enterprises. Nor is such forbearance likely to be regretted. For, who has not read, or heard, of the high reverence of the Romans for their gods; of their exalted sentiments respecting the sanctity of oaths; and of the elation, or the dejection of mind, which the declaration of one officiating in holy things could occasion in every rank of the most numerous of their armies? The religious and the civil institutions of the Romans, however, did not unite, and resemble each other, merely in their spirit: there was also a connection, and a resemblance between them, with regard to their outward form and economy. The gradations of their priests corresponded to those of their magistrates. The former were as much respected, and honoured, as the latter; and, on most occasions, they were almost as fully occupied in ensuring the success of civil and military affairs. But, if the priesthood were occasionally employed in managing the concerns of the state, so were the civil officers in executing the functions of the altar. When the Romans were republicans, their chief magistrate was the high priest. When they had kings, kings were the first ministers of their divi-

nities,

nities. And, when they lived under emperors, Anonymous.
emperors were the sovereign pontiffs.

The sagacity of later times, while it has been improving the arts, by dividing and subdividing labour, has wisely separated the external duties of the priest from those of the magistrate. It has not, however, aimed at interrupting the reciprocal operations of ecclesiastical and civil establishments. In the history, therefore, of later times, there may be found circumstances relative to the present topic which deserve attention.

The sovereigns of Russia, comparatively indigent, and uncommonly fond of unlimited authority, could not, in legislating for their dominions, be expected to suffer their clergy to retain the means of becoming very affluent and powerful. Still they were aware, that, in order that the morality of the people might be preserved; that the civil government might be duly obeyed; and that a becoming deference might be paid to the various degrees of the noble, and the royal; it was requisite that there should be—not merely an establishment, but one calculated to excite respect and veneration. They therefore instituted a national church—taking care that its external worship should be surrounded with much splendour; that those officiating in it should be variously endowed; and that its dignitaries should rise above each other, in the order of bishops, archbishops, and metropolitans; until, like the barons, counts, and princes, they reached the personage on the throne—who is the head at once

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of the church and of the state. So much for the outward economy of the northern Greek church.— Its inward economy is fully as well adapted as its outward, to the advancement of what the Russian lawgivers have supposed to be the interests of the empire. The attitudes and the gestures observed in it, are fitted to impress the mind with awe. Many of its principles tend to inspire fear. And few of its precepts fail of inculcating prompt submission to rulers, and perfect obedience to commanders.

The Turkish religious and civil systems are closely united. They are so closely united that they never can be separated without being destroyed. The sultan never decides upon any important political measure, without having asked, and received, the opinion of the mufti. As to the vizier, whether he guide in the cabinet or command in the field, he knows that he must not outrage that spirit which the alcoran hath sent abroad. He knows, too, that his master can wear his imperial turban, and that he himself can retain his head, only while that implicit faith, and that animating enthusiasm, which result from the doctrines of the prophet, continue to be cherished.— In the civil department of the Ottoman empire, there are no gradations of rank, or titles of honour, except those which are enjoyed as official appurtenances by the great ministers of state; and even these are far from being numerous. In like manner, there are, in that empire, but very few ecclesiastical

fiastical orders and appellations. The title of
 mufti is the only one that I recollect, which raises Anonymous.
 the person bearing it to considerable eminence.—

These matters are external. Look now at the inside of things. The moment you do so, you will perceive the Mahometan religion to be arrogant and intolerant beyond measure. But you will also perceive, after due reflection, that it is on these very accounts that it so well befits the government of a despot; and so readily assimilates with laws administered by one calling himself “the shadow of God, and the disposer of all earthly crowns.”

With regard to the church government, and the religious principles now prevailing in all the dominions of the catholic king, it must be acknowledged, that they are highly consentaneous to the fabric, and to the genius, of the civil system according to which those dominions are regulated.—The gradation of ranks and of titles among the clergy of Spain, corresponds with wonderful exactness to that of the ranks and titles possessed by the laity. Her ecclesiastical establishment, too, is not unlike her civil—either in the largeness of its revenues, or in the purposes to which they are applied. The church, as well as the government, is fond of splendour—and both are very splendid. You will find them to be so, whether you witness the ordinary rites at the altar, and then the usual ceremonies at court; whether you join in the observance of an hallowed festival, and then in the celebration of

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of a royal marriage; or whether you partake of the triumphant ecstasies of a sacred jubilee, and then of the unbounded rejoicings of a long desired coronation.—As, by the ministers of religion, appeals are often made to the senses of men, but seldom to their understandings; so, by the ministers of state, the eye and the ear are frequently gratified, while the judgment is commanded to stand aloof. At the head of their church the Spaniards have a pontiff deemed by them infallible: and, because this is the case, their rulers have attempted, on more occasions than one, to give currency and credit to an opinion of their king's being likewise exempt from fallibility. Yes; and many of the Spaniards have believed, while almost the whole of them have acted as if they believed, that, in the propagation of such an opinion, there can be no fraud—having abandoned enquiry, in political matters, to such a degree, as to admit, in all its parts, the slavish doctrine of passive obedience.—The schemes of their church have, for ages, tallied admirably with the arbitrary measures and the ambitious views of their government. Allowing of persecution for the sake of opinion, their religion has never impeded the progress of conquest, by raising either the stern voice of justice, or the mild accents of humanity.—In a word, the external frame of the ecclesiastical establishment of the Spaniards, is very well suited to that of their civil establishment, and their religious principles; to the proportion of knowledge, and to the habits of thinking,

thinking, and of acting, which their statesmen wish the great body of the people to possess. Aided by such a religion, they may for a considerable time retain such a government; and such a government will always have an high interest in protecting such a religion. Anonymous.

The Romish religion is divided into popery and catholicism. The former inclines eternally towards unlimited power; but the latter is, by one large degree, more tolerant and rational than the former. As to protestant episcopacy, it is in all respects more liberal, and more conformable to reason, than catholicism. Popery would admit of a despot ecclesiastical, as well as civil; catholicism would recognise only the civil despot; while protestant episcopacy would promptly and disdainfully reject both. Protestant episcopacy, however, would desire to have a monarch: but then, she would insist upon seeing his authority duly circumscribed by the laws.

Oliver Cromwell, well aware of all these things, resolved to exterminate even protestant episcopacy. He himself preferred no religion, merely as such, before any other. He professed presbytery, but he practised hypocrisy. Indeed, it was not necessary for him to attach himself entirely to any particular sect. It was enough for him to be a sectary, and an enemy to the episcopal establishment. But he was more than a sectary, and an enemy to the episcopal establishment. He was an advocate for "those natural rights of man," which the pitiful speculators of these times wish to substitute

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substitute for *the rights of Englishmen*. He was a friend also to that “perfect equality of citizens,” which is to be produced, it seems, not by lifting the needy out of the dunghill, and setting him among princes; but by constraining princes to descend from their palaces, that they may live with beggars upon dunghills. In co-operation, therefore, with the supporters of his usurpation (all of whom were meek dissenters) Oliver completely subverted both the hierarchy and the monarchy;—thus making room for forms of government, in church and in state, admirably accommodated to the temporal interests of himself and his friends, and abundantly congenial to the spirit of their divers religions.—These dreadful effects would, at any preceding period, have followed from similar causes. Such effects would result from such causes at this day. Grant an ascendancy, all over the kingdom, to the power of any one of the sects that have lately endeavoured to strike at the constitution through the medium of the corporation and test acts—and farewell at once to episcopacy and monarchy! “Privy conspiracy, sedition, and rebellion,” have always been, and always will be, the early, vigorous offspring of “false doctrine, heresy, and schism.”

Why should one take the trouble of enlarging upon this topic? Is not the influence of religion upon government, and of ecclesiastical upon civil establishments, well known to every statesman, and to every scholar? Have not the Dutch continued for ages to be republicans, chiefly because they

they have been calvinists? And are not the Genevans greatly indebted, for their present constitution, to their calvinistical doctrines?

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But the Scotch are calvinists; and they live, as we do, under a king. True: yet it is not owing to their religious tenets that they swear allegiance to a monarch. They constitute a part of the British nation; and, as the same persons who legislate for Englishmen legislate for them, they know that they can have no law of which their more powerful neighbours disapprove. Besides, the chief of the nobility and of the gentry of Scotland (as the dissenters have justly observed) are either episcopals by principle, or occasional conformists to the episcopal church, in consequence of their residing so much in the southern part of the island, and of their being subject to the operation of the test laws in whatever part of it they reside. Now, if to these considerations be added, that of the Scotch enjoying a religion which is established and protected by law; that of their having, as a people, a great deal more to lose, and much less to gain, by a revolution in the state, than the English sectaries have; and also, that of those among them who lead in the walks either of literature or of politics, being far more peaceable and loyal than our Paines, &c.; it will not be difficult to discover, why they continue to live, like the majority of ourselves, contentedly and happily under a monarchical form of government.—While the union between England and Scotland remains in force, and while the corporation

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poration and test acts are permitted to operate, the presbyterian principles diffused over the latter country will not be found to have injured that constitution with which both countries are now blessed.

The case, then, of the Scotch furnishes no sound argument against the truth of that general assertion—of the resemblance and affinity of religious to civil establishments, with which I set out.—Nor does the case of any other civilized nation afford an argument that militates against it in such a degree as to demand attention. FRANCE affords none—France, the government of which has been changed, in a very short space of time, from a pure monarchy to a democracy of the most licentious kind. The revolution which that country has experienced, would have been a case in point—it would have been one very capable of exciting wonder—had those who brought it about been papists, or catholics, or even episcopalians. But they were none of these. They were not so much as calvinists :—nay, they were not even christians. They were deists, and atheists, and universal sceptics. Their new constitution is such as it was reasonable to expect from such founders.

I recur, for a few moments, to the English history, which tells many an affecting tale with regard to the mutual influence of religion and politics. From it we learn, that, at what time soever popery has prevailed among us, tyranny has prevailed; and that the growth and the decay of the one, have

have always been proportionate to the growth and the decay of the other. We also learn from it, that the phrensy of puritanism has ever been devoutly attended by the perturbation of democracy ; and that the beneficent, peaceful sway of well digested, equal laws has been felt—only when a religion mild, benign, and dignified, has been established. Can any one be at loss to name the supreme rulers under whom tyranny, democracy, and the blessings of equal laws, have obtained in the most remarkable manner ? Is it requisite to mention sanguinary Mary ? Oliver Cromwell ? or George the third ? Let an intelligent stranger be informed of the state of religion under any of these three personages, and he will guess shrewdly at the principles of governing by which it was accompanied. Or, give him a true description of the government that prevailed under any of them, and he will tell you the character of the co-existing religion.

“ You cannot” (says Dr. Priestley, in his answer to Mr. Burke’s *Reflections on the French Revolution*) “ be so little read in the history of “ England, as not to know that the *church* and *state* “ were as much connected before the reformation “ as they have been since, and while the establish- “ ment was presbyterian, as well as now that it is “ episcopalian.” All this is well enough. There certainly was as great a connexion between popery and tyranny before the reformation, and between presbytery and democracy during that later period which constituted “ the reign of the saints,” as there

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there now is between episcopacy and limited monarchy ; and it is very unlikely that Mr. Burke should be “ so little read in the history of England ” as to be ignorant of such things.—“ You must “ know also ” (says the doctor to his right honourable correspondent) “ that the inhabitants of this country were at one time as zealous papists as they “ are now protestants, and yet they were brought “ to make a change in their established religion, “ and that this was done without making any material change in the system of civil government.” This, like every thing else said by Dr. Priestley relative to establishments, is in part true, and in part false. It is true, “ that the inhabitants of this “ country were, at one time, as zealous papists “ as they now are protestants : ” but it is not true, “ that they ” (the inhabitants of this country, *i. e.* the great body of the people) “ were brought to make “ a change in their established (popish) religion.” The change introduced into the established religion was begun without the knowledge of most of the people, and contrary to the opinion of almost every one of them who did know any thing of it. It was the will of the king that first moved the things destined to be changed ; and it was the power of the king, without any regard having been paid to the will of the people, that continued those things in motion till the destined change was effected.—Neither is it true, that a change took place in the established religion “ without making any “ material change in the system of civil government.”

“ment.” The change made in the latter did not, indeed, become apparent the very day, or the very week, in which a change took place in the former; for the same inordinate power which enabled Henry VIII. to throw down the monasteries, and to alienate their revenues, also enabled him to check that freedom of discussion, and that open avowal of sentiment, for which the melioration of the ecclesiastical system had given the public a turn. Yet, from the very day in which an alteration took place in the establishment, the civil system partook of another spirit; and tyranny trembled. The salutary consequences of the reformation, upon both the laws and the administration of them, though interrupted for a while by Mary, were not long in manifesting themselves fully to all Europe.—“You must know” (adds the doctor) “that the presbyterians in Scotland, “and the episcopalians in England, have at this “very time the same king and the same parliament. “But how do these facts agree with your favourite “idea of the inseparable union of church and state?” Perfectly well. It never has been alleged, that there is an union between the ecclesiastical establishment of Scotland and the English monarchy; for there subsists none. But it has always been alleged, that there is an union between the ecclesiastical establishment of England and the English monarchy; for there subsists between them one both close and firm—so close, and so firm, as to have been

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been very justly termed “ inseparable.” From such arguments as may be adduced in favour of this union, the circumstance of the want of a similar union in Scotland can detract nothing. It can no more detract from them, than the circumstance of bishop Horfeley's not being a convert to the anti-christian doctrines of Socinus, can detract from any argument that may be used to prove that doctor Priestley is a convert to those doctrines.—The doctor concludes thus: “ What, then, is the “ foundation of the dread you have entertained of “ any *future* change in the religion of our country, “ when no harm, but, as all protestants think, “ much advantage, has been derived from *past* “ changes in it ?” The doctor can hardly be “ so “ little read in the history of England,” as not to be able to answer his own question. If, however, he should be at a loss to guess at “ the foundation “ of the dread entertained of any *future* change in “ the religion of our country,” let him consult the multifarious polemical productions of Joseph Priestley, LL. D.—With regard to the allegation of “ all protestants thinking that much advantage “ has been derived from *past* changes in the reli- “ gion of our country,” the doctor can hardly hope that it will be universally received as a true one. There have, in truth, taken place, in the religion of our country, only two great changes; and those who are “ read in history” will not hesitate to date the one some time during the reign of Henry

Henry the eighth ; and the other some time during the sanctified protectorate of Oliver Cromwell—
 of happy memory. Now, the protesting catholics (and those who protest are protestants) are not likely to approve much of the one change ; and though Dr. Priestley may choose to assert (he cannot be so weak as to believe the fact) that much advantage has been derived from the other, the far greater number of protestants will, in all probability, continue to be, as they now are, entirely persuaded, that it was altogether the reverse of what Englishmen ought to deem an advantage.

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We have now had an imperfect view of the mode, and of the measure, in which the co-existing religious and civil institutions of the same country resemble each other—with regard both to their exterior, and their interior structure ; and, also, of the mutual action and re-action of such institutions upon one other. We have likewise seen in what manner particular systems of government wait upon particular systems of religion.—It would be easy to shew the converse of this last case—that is, to make it appear, how apt particular systems of religion are to follow particular systems of government. But it occurs to me, that, after what has been advanced, it is not necessary to enter far into the subject. I shall, therefore, rest satisfied with stating the matter generally, and in the words of the baron de Montesquieu :

“ When a religion is introduced and fixed in a
 I 2 “ state,

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“ state, it is commonly such as is most suitable to
 “ the plan of government there established ; for
 “ those who receive it, and those who are the cause
 “ of its being received, have scarcely any other
 “ idea of policy than that of the state in which they
 “ were born.

“ When the christian religion, two centuries
 “ ago, became unhappily divided into catholic
 “ and protestant, the people of the north embraced
 “ the protestant, and those of the south adhered
 “ still to the catholic.

“ The reason is plain : the people of the north
 “ have, and will for ever have, a spirit of liberty
 “ and independence, which the people of the south
 “ have not ; and therefore a religion which has no
 “ visible head, is more agreeable to the indepen-
 “ dency of the climate than that which has one.

“ In the countries themselves where the pro-
 “ testant religion became established, the revolu-
 “ tions were made pursuant to the several plans of
 “ political government. Luther, having great
 “ princes on his side, would never have been
 “ able to make them relish an ecclesiastic autho-
 “ rity that had no exterior pre-eminence ; while
 “ Calvin, having to do with people who lived
 “ under republican governments, or with obscure
 “ citizens, and monarchies, might very well avoid
 “ establishing dignities and pre-eminence.”——

Similar principles regulate, at this day, the con-
 duct both of separate nations, and of different classes
 of

of men in the same nation. Protestant politicians, who wish to preserve degrees of rank and of honorary distinction, cherish the Lutheran, but not the Calvinistic spirit; while those who take upon them to rail against "principalities and powers," cherish no spirit less prone to levelling than that of Calvinism.

Anonymous.

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centuries out, religious writings are
collected into badly preserved volumes, and
scattered about in the most disorderly manner.
The result is that the people are left in
ignorance of their own history and of the
principles of their religion.

It is to be regretted that the people of the north
are still so much in the dark as to the true
principles of their religion, and that the people of the south
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Principles of the Revolution in 1688, &c.

MR. B U R K E.

THE gentlemen of the Old Jewry, in all their reasonings on the revolution of 1688, have a revolution which happened in England about forty years before, and the late French revolution, so much before their eyes, and in their hearts, that they are constantly confounding all the three together. It is necessary that we should separate what they confound. We must recall their erring fancies to the *acts* of the revolution which we revere, for the discovery of its true *principles*. If the *principles* of the revolution of 1688 are any where to be found, it is in the statute called the *declaration of right*. In that most wise, sober, and considerate declaration, drawn up by great lawyers and great statesmen, and not by warm and inexperienced enthusiasts, not one word is said, nor one suggestion made, of a general right “to choose
“our own *governors*; to cashier them for misconduct; and to form a government for *ourselves*.”

Reflections
on the Revolution in
France, &c.
by Mr.
Burke.

This declaration of right (the act of the 1st of William and Mary, sess. 2. ch. 2.) is the cornerstone of our constitution, as reinforced, explained,
improved,

Mr. Burke. improved, and in its fundamental principles for ever settled. It is called “ An act for declaring “ the rights and liberties of the subject, and for “ *settling* the *succession* of the crown.” You will observe, that these rights and this succession are declared in one body, and bound indissolubly together.

A few years after this period, a second opportunity offered for asserting a right of election to the crown. On the prospect of a total failure of issue from king William, and from the princess, afterwards queen Anne, the consideration of the settlement of the crown, and of a further security for the liberties of the people, again came before the legislature. Did they this second time make any provision for legalizing the crown on the spurious revolution principles of the Old Jewry? No—They followed the principles which prevailed in the declaration of right; indicating with more precision the persons who were to inherit in the protestant line. This act also incorporated, by the same policy, our liberties and an hereditary succession in the same act. Instead of a right to choose our own governors, they declared that the *succession* in that line (the protestant line drawn from James the first) was absolutely necessary “ for “ the peace, quiet, and security of the realm;” and that it was equally urgent on them “ to maintain “ a *certainty in the succession* thereof, to which the “ subjects may safely have recourse for their protection.” Both these acts, in which are heard the
unerring,

unerring, unambiguous oracles of revolution policy, instead of countenancing the delusive gipsy predictions of "a right to choose our governors," prove to a demonstration how totally adverse the wisdom of the nation was from turning a case of necessity into a rule of law.

Mr. Burke,

Unquestionably there was at the revolution, in the person of king William, a small and a temporary deviation from the strict order of a regular hereditary succession; but it is against all genuine principles of jurisprudence to draw a principle from a law made in a special case, and regarding an individual person. *Privilegium non transit in exemplum*. If ever there was a time favourable for establishing the principle, that a king of popular choice was the only legal king, without all doubt it was at the revolution. Its not being done at that time is a proof that the nation was of opinion it ought not to be done at any time. There is no person so completely ignorant of our history, as not to know, that the majority in parliament of both parties were so little disposed to any thing resembling that principle, that at first they were determined to place the vacant crown, not on the head of the prince of Orange, but on that of his wife Mary, daughter of king James, the eldest born of the issue of that king, which they acknowledged as undoubtedly his. It would be to repeat a very trite story, to recall to your memory all those circumstances which demonstrated that their accepting king William was not properly

Mr. Burke. perly a *choice*; but, to all those who did not wish in effect to recall king James, or to deluge their country in blood, and again to bring their religion, laws, and liberties into the peril they had just escaped, it was an act of *necessity*, in the strictest moral sense in which necessity can be taken.

In the very act, in which for a time, and in a single case, parliament departed from the strict order of inheritance, in favour of a prince, who, though not next, was however very near in the line of succession, it is curious to observe how lord Somers, who drew the bill called the declaration of right, has comported himself on that delicate occasion. It is curious to observe with what address this temporary solution of continuity is kept from the eye; whilst all that could be found in this act of necessity to countenance the idea of an hereditary succession is brought forward, and fostered, and made the most of, by this great man, and by the legislature who followed him. Quitting the dry, imperative style of an act of parliament, he makes the lords and commons fall to a pious, legislative ejaculation, and declare, that they consider it “as a marvellous providence, and merciful goodness of God to this nation, to preserve “their said majesties’ *royal* persons, most happily “to reign over us *on the throne of their ancestors*, for “which, from the bottom of their hearts, they “return their humblest thanks and praises.”—The legislature plainly had in view the act of recognition of the first of queen Elizabeth, chap. 3d, and

and of that of James the first, chap. 1st, both Mr. Burke.
 acts strongly declaratory of the inheritable nature
 of the crown; and in many parts they follow, with
 a nearly literal precision, the words, and even the
 form of thanksgiving, which is found in these old
 declaratory statutes.

The two houses, in the act of king William, did not thank God that they had found a fair opportunity to assert a right to choose their own governors, much less to make an election the *only lawful* title to the crown. Their having been in a condition to avoid the very appearance of it, as much as possible, was by them considered as a providential escape. They threw a politic, well-wrought veil over every circumstance tending to weaken the rights, which in the meliorated order of succession they meant to perpetuate; or which might furnish a precedent for any future departure from what they had then settled for ever. Accordingly, that they might not relax the nerves of their monarchy, and that they might preserve a close conformity to the practice of their ancestors, as it appeared in the declaratory statutes of queen Mary * and queen Elizabeth, in the next clause they vest, by recognition, in their majesties, *all* the legal prerogatives of the crown, declaring, “that in them they are most *fully*, rightfully, and “*entirely* invested, incorporated, united, and annexed.” In the clause which follows, for prevent-

* 1st Mary, sess. 3. ch. 1.

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Mr. Burke. ing questions, by reason of any pretended titles to the crown, they declare (observing also in this the traditionary language along with the traditionary policy of the nation, and repeating as from a rubric the language of the preceding acts of Elizabeth and James) that on the preserving “ a “ *certainty* in the succession thereof, the unity, “ peace, and tranquillity of this nation doth, under “ God, wholly depend.”

They knew that a doubtful title of succession would but too much resemble an election; and that an election would be utterly destructive of the “ unity, peace, and tranquillity of this nation,” which they thought to be considerations of some moment. To provide for these objects, and therefore to exclude for ever the Old Jewry doctrine of “ a right to choose our own governors,” they follow with a clause containing a most solemn pledge, taken from the preceding act of queen Elizabeth; as solemn a pledge as ever was or can be given in favour of an hereditary succession, and as solemn a renunciation as could be made of the principles by this society imputed to them. “ The lords spiritual and temporal, and commons “ do, in the name of all the people aforesaid, “ most humbly and faithfully submit *themselves*, “ *their heirs and posterities for ever*; and do faithfully promise, that they will stand to, maintain, “ and defend their said majesties, and also the “ *limitation of the crown*, herein specified and contained, to the utmost of their powers,” &c. &c.

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So far is it from being true, that we acquired a right by the revolution to elect our kings, that, if we had possessed it before, the English nation did at that time most solemnly renounce and abdicate it, for themselves and for all their posterity for ever. These gentlemen may value themselves as much as they please on their whig principles; but I never desire to be thought a better whig than lord Somers; or to understand the principles of the revolution better than those by whom it was brought about; or to read in the declaration of right any mysteries unknown to those whose penetrating style has engraved in our ordinances, and in our hearts, the words and spirit of that immortal law.

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It is true that, aided with the powers derived from force and opportunity, the nation was at that time, in some sense, free to take what course it pleased for filling the throne; but only free to do so upon the same grounds on which they might have wholly abolished their monarchy, and every other part of their constitution. However, they did not think such bold changes within their commission. It is indeed difficult, perhaps impossible, to give limits to the mere *abstract* competence of the supreme power, such as was exercised by parliament at that time; but the limits of a *moral* competence, subjecting, even in powers more indisputably sovereign, occasional will to permanent reason, and to the steady maxims of faith, justice, and fixed fundamental policy, are perfectly intelligible,

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telligible, and perfectly binding upon those who exercise any authority, under any name or under any title, in the state. The house of lords, for instance, is not morally competent to dissolve the house of commons; no, nor even to dissolve itself, nor to abdicate, if it would, its portion in the legislature of the kingdom. Though a king may abdicate for his own person, he cannot abdicate for the monarchy. By as strong, or by a stronger reason, the house of commons cannot renounce its share of authority. The engagement and pact of society, which generally goes by the name of the constitution, forbids such invasion and such surrender. The constituent parts of a state are obliged to hold their public faith with each other, and with all those who derive any serious interest under their engagements, as much as the whole state is bound to keep its faith with separate communities. Otherwise competence and power would soon be confounded, and no law be left but the will of a prevailing force. On this principle the succession of the crown has always been, what it now is, an hereditary succession by law: in the old line it was a succession by the common law; in the new by the statute law, operating on the principles of the common law, not changing the substance, but regulating the mode, and describing the persons. Both these descriptions of law are of the same force, and are derived from an equal authority, emanating from the common agreement and original compact of the state, *communi sponsione reipublicæ,*

lice, and as such are equally binding on king and people too, as long as the terms are observed, and they continue the same body politic. Mr. Burke.

It is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule, and an occasional deviation; the sacredness of an hereditary principle of succession in our government, with a power of change in its application in cases of extreme emergency. Even in that extremity (if we take the measure of our rights by our exercise of them at the revolution) the change is to be confined to the peccant part only; to the part which produced the necessary deviation; and even then it is to be effected without a decomposition of the whole civil and political mass, for the purpose of originating a new civil order out of the first elements of society.

A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to preserve. The two principles of conservation and correction operated strongly at the two critical periods of the restoration and revolution, when England found itself without a king. At both those periods the nation had lost the bond of union in their ancient edifice; they did not, however, dissolve the whole fabric. On the contrary, in both cases, they regenerated the deficient part of the old constitution through
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the parts which were not impaired. They kept these old parts exactly as they were, that the part recovered might be suited to them. They acted by the ancient organised states in the shape of their old organization, and not by the organic *moleculæ* of a disbanded people. At no time, perhaps, did the sovereign legislature manifest a more tender regard to that fundamental principle of British constitutional policy, than at the time of the revolution, when it deviated from the direct line of hereditary succession. The crown was carried somewhat out of the line in which it had before moved; but the new line was derived from the same stock. It was still a line of hereditary descent; still an hereditary descent in the same blood, though an hereditary descent qualified with protestantism. When the legislature altered the direction, but kept the principle, they shewed that they held it inviolable.

On this principle, the law of inheritance had admitted some amendment in the old time, and long before the æra of the revolution. Some time after the conquest great questions arose upon the legal principles of hereditary descent. It became a matter of doubt, whether the heir *per capita* or the heir *per stirpes* was to succeed; but whether the heir *per capita* gave way when the heirdom *per stirpes* took place, or the catholic heir when the protestant was preferred, the inheritable principle survived with a sort of immortality through all transmigrations—*multosque per annos stat fortuna*

fortuna domus et avi numerantur avorum. This is Mr. Burke.
 the spirit of our constitution, not only in its settled
 course, but in all its revolutions. Whoever came
 in, or however he came in, whether he obtained
 the crown by law or by force, the hereditary suc-
 cession was either continued or adopted.

The gentlemen of the society for revolutions
 see nothing in that of 1688 but the deviation
 from the constitution; and they take the deviation
 from the principle for the principle. They have
 little regard to the obvious consequences of their
 doctrine, though they must see, that it leaves po-
 sitive authority in very few of the positive institu-
 tions of this country. When such an unwarrant-
 able maxim is once established, that no throne is
 lawful but the elective, no one act of the princes
 who preceded their æra of fictitious election can
 be valid. Do these theorists mean to imitate some
 of their predecessors, who dragged the bodies of
 our ancient sovereigns out of the quiet of their
 tombs? Do they mean to attain and disable
 backwards all the kings that have reigned before
 the revolution, and consequently to stain the throne
 of England with the blot of a continual usurpation?
 Do they mean to invalidate, annul, or to call into
 question, together with the titles of the whole line
 of our kings, that great body of our statute law
 which passed under those whom they treat as
 usurpers? to annul laws of inestimable value to
 our liberties—of as great value at least as any
 which have passed at or since the period of the
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revolution? If kings, who did not owe their crown to the choice of their people, had no title to make laws, what will become of the statute *de tallagio non concedendo*?—of the *petition of right*?—of the act of *habeas corpus*? Do these new doctors of the rights of men presume to assert, that king James the second, who came to the crown as next of blood, according to the rules of a then unqualified succession, was not to all intents and purposes a lawful king of England, before he had done any of those acts which were justly construed into an abdication of his crown? If he was not, much trouble in parliament might have been saved at the period these gentlemen commemorate. But king James was a bad king with a good title, and not an usurper. The princes who succeeded according to the act of parliament which settled the crown on the electress Sophia and on her descendants, being protestants, came in as much by a title of inheritance as king James did. He came in according to the law, as it stood at his accession to the crown; and the princes of the house of Brunswick came to the inheritance of the crown, not by election, but by the law, as it stood at their several accessions of protestant descent and inheritance, as I hope I have shewn sufficiently.

The law by which this royal family is specifically destined to the succession, is the act of the 12th and 13th of king William. The terms of this act bind “us, and our *heirs*, and our *posterity*, to “them, their *heirs*, and their *posterity*,” being protestants,

testants, to the end of time, in the same words as Mr. Burke.
 the declaration of right had bound us to the heirs
 of king William and queen Mary. It therefore
 secures both an hereditary crown and an hereditary
 allegiance. On what ground, except the consti-
 tutional policy of forming an establishment to se-
 cure that kind of succession which is to preclude
 a choice of the people for ever, could the legis-
 lature have fastidiously rejected the fair and abun-
 dant choice which our own country presented to
 them, and searched in strange lands for a foreign
 princess from whose womb the line of our future
 rulers were to derive their title to govern millions
 of men through a series of ages?

The princess Sophia was named in the act of set-
 tlement of the 12th and 13th of king William, for a
stock and root of *inheritance* to our kings, and not for
 her merits as a temporary administratrix of a power,
 which she might not, and in fact did not, herself
 ever exercise. She was adopted for one reason,
 and for one only; because, says the act, “the most
 “excellent princess Sophia, electress and duchess
 “dowager of Hanover, is *daughter* of the most
 “excellent princess Elizabeth, late queen of Bo-
 “hemia, *daughter* of our late *sovereign lord* king
 “James the first, of happy memory, and is hereby
 “declared to be the next in *succession* in the pro-
 “testant line,” &c. &c.; “and the crown shall
 “continue to the *heirs* of her body, being protest-
 “ants.” This limitation was made by parliament,
 that through the princess Sophia an inheritable
 K 2 line

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line not only was to be continued in future, but (what they thought very material) that through her it was to be connected with the old stock of inheritance in king James the first; in order that the monarchy might preserve an unbroken unity through all ages, and might be preserved (with safety to our religion) in the old approved mode by descent, in which, if our liberties had been once endangered, they had often, through all storms and struggles of prerogative and privilege, been preserved. They did well. No experience has taught us, that in any other course or method than that of an *hereditary crown*, our liberties can be regularly perpetuated and preserved sacred as our *hereditary right*. An irregular, convulsive movement may be necessary to throw off an irregular, convulsive disease. But the course of succession is the healthy habit of the British constitution. Was it that the legislature wanted, at the act for the limitation of the crown in the Hanoverian line, drawn through the female descendants of James the first, a due sense of the inconveniencies of having two or three, or possibly more, foreigners in succession to the British throne? No! —they had a due sense of the evils which might happen from such foreign rule, and more than a due sense of them. But a more decisive proof cannot be given of the full conviction of the British nation, that the principles of the revolution did not authorise them to elect kings at their pleasure, and without any attention to the ancient
fundamental

fundamental principles of our government, than Mr. Burke.
 their continuing to adopt a plan of hereditary
 protestant succession in the old line, with all the
 dangers and all the inconveniencies of its being a
 foreign line full before their eyes, and operating
 with the utmost force upon their minds.

A few years ago, I should be ashamed to overload a matter, so capable of supporting itself, by the then unnecessary support of any argument; but this seditious, unconstitutional doctrine is now publicly taught, avowed, and printed. The dislike I feel to revolutions, the signals for which have so often been given from pulpits; the spirit of change that is gone abroad; the total contempt which prevails with you, and may come to prevail with us, of all ancient institutions, when set in opposition to a present sense of convenience, or to the bent of a present inclination: all these considerations make it not unadvisable, in my opinion, to call back our attention to the true principles of our own domestic laws; that you, my French friend, should begin to know, and that we should continue to cherish them. We ought not, on either side of the water, to suffer ourselves to be imposed upon by the counterfeit wares which some persons, by a double fraud, export to you in illicit bottoms, as raw commodities of British growth though wholly alien to our soil, in order afterwards to smuggle them back again into this country, manufactured after the newest Paris fashion of an improved liberty.

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The people of England will not ape the fashions they have never tried, nor go back to those which they have found mischievous on trial. They look upon the legal hereditary succession of their crown as among their rights, not as among their wrongs; as a benefit, not as a grievance; as a security for their liberty, not as a badge of servitude. They look on the frame of their commonwealth, *such as it stands*, to be of inestimable value; and they conceive the undisturbed succession of the crown to be a pledge of the stability and perpetuity of all the other members of our constitution.

I shall beg leave, before I go any further, to take notice of some paltry artifices which the abettors of election as the only lawful title to the crown, are ready to employ, in order to render the support of the just principles of our constitution a task somewhat invidious. These sophisters substitute a fictitious cause, and feigned personages, in whose favour they suppose you engaged, whenever you defend the inheritable nature of the crown. It is common with them to dispute as if they were in a conflict with some of those exploded fanatics of slavery, who formerly maintained, what I believe no creature now maintains, “that the crown is held by divine, hereditary, and indefeasible right.”—These old fanatics of single arbitrary power dogmatized as if hereditary royalty was the only lawful government in the world, just as our new fanatics of popular arbitrary power maintain that a popular election is the sole lawful source

source of authority. The old prerogative enthusiasts, it is true, did speculate foolishly, and perhaps impiously too, as if monarchy had more of a divine sanction than any other mode of government; and as if a right to govern by inheritance were in strictness *indefeasible* in every person who should be found in the succession to a throne, and under every circumstance, which no civil or political right can be. But an absurd opinion concerning the king's hereditary right to the crown does not prejudice one that is rational, and bottomed upon solid principles of law and policy. If all the absurd theories of lawyers and divines were to vitiate the objects in which they are conversant, we should have no law, and no religion left in the world. But an absurd theory on one side of a question forms no justification for alleging a false fact, or promulgating mischievous maxims on the other.

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The second claim of the revolution society is “a right of cashiering their governors for *misconduct*.” Perhaps the apprehensions our ancestors entertained of forming such a precedent as that “of cashiering for misconduct,” was the cause that the declaration of the act which implied the abdication of king James, was, if it had any fault, rather too guarded, and too circumstantial*. But all

* “That king James the second, having endeavoured to
“*subvert the constitution* of the kingdom, by breaking the
“*original contract* between king and people, and by the advice
“of jesuits and other wicked persons, having violated the

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all this guard, and all this accumulation of circumstances, serves to shew the spirit of caution which predominated in the national councils, in a situation in which men irritated by oppression, and elevated by a triumph over it, are apt to abandon themselves to violent and extreme courses: it shews the anxiety of the great men who influenced the conduct of affairs at that great event, to make the revolution a parent of settlement, and not a nursery of future revolutions.

No government could stand a moment, if it could be blown down with any thing so loose and indefinite as an opinion of "*misconduct*." They who led at the revolution, grounded the virtual abdication of king James upon no such light and uncertain principle. They charged him with nothing less than a design, confirmed by a multitude of illegal overt acts, to *subvert the protestant church and state*, and their *fundamental*, unquestionable laws and liberties: they charged him with having broken the *original contract* between king and people. This was more than *misconduct*. A grave and over-ruling necessity obliged them to take the step they took, and took with infinite reluctance, as under that most rigorous of all laws. Their trust for the future preservation of the constitution was not in future revolutions. The grand policy of all their regulations was to render it almost impracti-

"*fundamental laws, and having withdrawn himself out of the*
 "*kingdom, hath abdicated the government, and the throne is*
 "*thereby vacant.*"

cable

cable for any future sovereign to compel the states of the kingdom to have again recourse to those violent remedies. They left the crown, what in the eye and estimation of law it had ever been, perfectly irresponsible. In order to lighten the crown still further, they aggravated responsibility on ministers of state. By the statute of the 1st of king William, sess. 2d, called "*the act for declaring the rights and liberties of the subject, and for settling the succession of the crown,*" they enacted, that the ministers should serve the crown on the terms of that declaration. They secured soon after the frequent meetings of parliament, by which the whole government would be under the constant inspection and active controul of the popular representative and of the magnates of the kingdom. In the next great constitutional act, that of the 12th and 13th of king William, for the further limitation of the crown, and better securing the rights and liberties of the subject, they provided, "that no pardon under the great seal of England should be pleadable to an impeachment by the commons in parliament." The rule laid down for government in the declaration of right, the constant inspection of parliament, the practical claim of impeachment, they thought infinitely a better security, not only for their constitutional liberty, but against the vices of administration, than the reservation of a right so difficult in the practice, so uncertain in the issue, and often so mischievous in the consequences, as that of "cashiering their governors."

Mr. Burke.

Dr.

Mr. Burke.

Dr. Price, in this sermon *, condemns very properly the practice of gross adulatory addresses to kings. Instead of this fulsome style, he proposes that his majesty should be told, on occasions of congratulation, that “ he is to consider himself as more “ properly the servant than the sovereign of his “ people.” For a compliment, this new form of address does not seem to be very soothing. Those who are servants in name, as well as in effect, do not like to be told of their situation, their duty, and their obligations. The slave, in the old play, tells his master, “ *Hæc commemoratio est quasi exprobratio.*” It is not pleasant, as compliment ; it is not wholesome, as instruction. After all, if the king were to bring himself to echo this new kind of address, to adopt it in terms, and even to take the appellation of servant of the people, as his royal style, how either he or we should be much mended by it, I cannot imagine. I have seen very assuming letters, signed, “ your most obedient humble servant.” The proudest domination that ever was endured on earth, took a title of still greater humility than that which is now proposed for sovereigns by the apostle of liberty. Kings and nations were trampled upon by the foot of one calling himself “ the servant of “ servants ;” and mandates for deposing sovereigns were sealed with the signet of “ the fisherman.”

I should have considered all this as no more than a sort of flippant vain discourse, in which, as in an unfavoury fume, several persons suffer the spirit of

* P. 22, 23, 24.

liberty to evaporate, if it were not plainly in support of the idea, and a part of the scheme of Mr. Burke.
 “ cashiering kings for misconduct.” In that light it is worth some observation.

Kings, in one sense, are undoubtedly the servants of the people, because their power has no other rational end than that of the general advantage ; but it is not true that they are, in the ordinary sense (by our constitution, at least), any thing like servants ; the essence of whose situation is to obey the commands of some other, and to be removeable at pleasure. But the king of Great Britain obeys no other person ; all other persons are individually, and collectively too, under him, and owe to him a legal obedience. The law, which knows neither to flatter nor to insult, calls this high magistrate, not our servant, as this humble divine calls him, but “ *our sovereign lord the king ;*” and we, on our parts, have learned to speak only the primitive language of the law, and not the confused jargon of their Babylonian pulpits.

As he is not to obey us, but as we are to obey the law in him, our constitution has made no sort of provision towards rendering him, as a servant, in any degree responsible. Our constitution knows nothing of a magistrate like the *Justicia* of Arragon ; nor of any court legally appointed, nor of any process legally settled, for submitting the king to the responsibility belonging to all servants. In this he is not distinguished from the commons and the lords ; who, in their several public capacities,
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can never be called to an account for their conduct; although the revolution society chooses to assert, in direct opposition to one of the wisest and most beautiful parts of our constitution, that “ a king is no more than the first servant of the public, created by it, *and responsible to it.*”

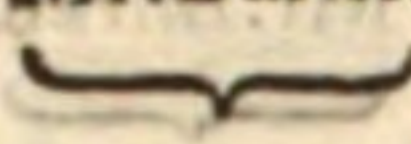
Ill would our ancestors at the revolution have deserved their fame for wisdom, if they had found no security for their freedom, but in rendering their government feeble in its operations, and precarious in its tenure; if they had been able to contrive no better remedy against arbitrary power than civil confusion. Let these gentlemen state who that *representative* public is to whom they will affirm the king, as a servant, to be responsible. It will be then time enough for me to produce to them the positive statute law which affirms that he is not.

The ceremony of cashiering kings, of which these gentlemen talk so much at their ease, can rarely, if ever, be performed without force. It then becomes a case of war, and not of constitution. Laws are commanded to hold their tongues amongst arms; and tribunals fall to the ground with the peace they are no longer able to uphold. The revolution of 1688 was obtained by a just war, in the only case in which any war, and much more a civil war, can be just. “ *Iusta bella quibus necessaria.*” The question of dethroning, or, if these gentlemen like the phrase better, “ cashiering” kings, will always be, as it has always been, an extraordinary question of state, and wholly out of

of the law ; a question (like all other questions of state) of dispositions, and of means, and of probable consequences, rather than of positive rights. As it was not made for common abuses, so it is not to be agitated by common minds. The speculative line of demarcation, where obedience ought to end, and resistance must begin, is faint, obscure, and not easily definable. It is not a single act, or a single event, which determines it. Governments must be abused and deranged indeed, before it can be thought of ; and the prospect of the future must be as bad as the experience of the past. When things are in that lamentable condition, the nature of the disease is to indicate the remedy to those whom nature has qualified to administer in extremities this critical, ambiguous, bitter portion to a distempered state. Times and occasions, and provocations, will teach their own lessons. The wise will determine from the gravity of the case ; the irritable, from sensibility to oppression ; the high-minded, from disdain and indignation at abusive power in unworthy hands ; the brave and bold, from the love of honourable danger in a generous cause : but, with or without right, a revolution will be the very last resource of the thinking and the good.

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The third head of right, asserted by the pulpit of the Old Jewry, namely, the “ right to form a “ government for ourselves,” has, at least, as little countenance from any thing done at the revolution, either

Mr. Burke.  either in precedent or principle, as the two first of their claims. The revolution was made to preserve our *ancient* indisputable laws and liberties, and that *ancient* constitution of government, which is our only security for law and liberty. If you are desirous of knowing the spirit of our constitution, and the policy which predominated in that great period which has secured it to this hour, pray look for both in our histories, in our records, in our acts of parliament, and journals of parliament, and not in the sermons of the Old Jewry, and the after-dinner toasts of the revolution society.—In the former you will find other ideas and another language. Such a claim is as ill suited to our temper and wishes, as it is unsupported by any appearance of authority. The very idea of the fabrication of a new government, is enough to fill us with disgust and horror. We wished at the period of the revolution, and do now wish, to derive all we possess as *an inheritance from our forefathers*. Upon that body and stock of inheritance, we have taken care not to inoculate any cyon alien to the nature of the original plant. All the reformations we have hitherto made, have proceeded upon the principle of reference to antiquity ; and I hope, nay, I am persuaded, that all those which possibly may be made hereafter, will be carefully formed upon analogical precedent, authority, and example.

Our oldest reformation is that of magna charta. You will see that sir Edward Coke, that great oracle
of

of our law, and indeed all the great men who follow him, to Blackstone*, are industrious to prove the pedigree of our liberties. They endeavour to prove, that the ancient charter, the magna charta of king John, was connected with another positive charter from Henry I. and that both the one and the other were nothing more than a re-affirmance of the still more ancient standing law of the kingdom. In the matter of fact, for the greater part, these authors appear to be in the right; perhaps not always: but if the lawyers mistake in some particulars, it proves my position still the more strongly; because it demonstrates the powerful prepossession towards antiquity, with which the minds of all our lawyers and legislators, and of all the people whom they wish to influence, have been always filled; and the stationary policy of this kingdom, in considering their most sacred rights and franchises as an *inheritance*.

In the famous law of the 3d of Charles I. called the *petition of right*, the parliament says to the king, “Your subjects have *inherited* this freedom,” claiming their franchises not on abstract principles “as the rights of men,” but as the rights of Englishmen, and as a patrimony derived from their forefathers. Selden, and the other profoundly learned men, who drew this petition of right, were as well acquainted, at least with all the general theories concerning the “rights of men,” as any of the

* See Blackstone's Magna Charta, printed at Oxford, 1759.

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discourfers in our pulpits, or on your tribune ; full as well as doctor Price, or as the abbé Sieyes. But for reasons worthy of that practical wisdom which superseded their theoretic science, they preferred this positive, recorded, *hereditary* title to all which can be dear to the man and the citizen, to that vague speculative right, which exposed their sure inheritance to be scrambled for and torn to pieces by every wild litigious spirit.

The same policy pervades all the laws which have since been made for the preservation of our liberties. In the 1st of William and Mary, in the famous statute called the declaration of right, the two houses utter not a syllable of “ a right to frame “ a government for themselves.” You will see, that their whole care was to secure the religion, laws, and liberties, that had been long possessed, and had been lately endangered. “ Taking * into “ their most serious consideration the *best* means “ for making such an establishment, that their “ religion, laws, and liberties might not be in “ danger of being again subverted,” they auspicate all their proceedings, by stating as some of those *best* means, “ in the *first place*” to do “ as their “ *ancestors in like cases have usually* done for vindicating their *ancient* rights and liberties, to *declare ;*”—and then they pray the king and queen, “ that it may be *declared* and enacted, that *all and “ singular* the rights and liberties *asserted and declared*

* 1 W. and M.

“ are

“are the true *ancient* and indubitable rights and
 “liberties of the people of this kingdom.” Mr. Burke.

You will observe, that from magna charta to the declaration of right, it has been the uniform policy of our constitution to claim and assert our liberties, as an *entailed inheritance* derived to us from our forefathers, and to be transmitted to our posterity; as an estate specially belonging to the people of this kingdom, without any reference whatever to any other more general or prior right. By this means our constitution preserves an unity in so great a diversity of its parts. We have an inheritable crown—an inheritable peerage—and an house of commons and a people inheriting privileges, franchises, and liberties, from a long line of ancestors.

This policy appears to me to be the result of profound reflection; or rather the happy effect of following nature, which is wisdom without reflection, and above it. A spirit of innovation is generally the result of a selfish temper and confined views. People will not look forward to posterity, who never look backward to their ancestors. Besides, the people of England well know, that the idea of inheritance furnishes a sure principle of conservation, and a sure principle of transmission, without at all excluding a principle of improvement. It leaves acquisition free; but it secures what it acquires. Whatever advantages are obtained by a state proceeding on these maxims, are locked fast as in a sort of family settlement; grasped as in a kind of mortmain for ever. By a constitutional policy, working after the pattern of nature, we re-

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ceive, we hold, we transmit our government and our privileges, in the same manner in which we enjoy and transmit our property and our lives. The institutions of policy, the goods of fortune, the gifts of providence, are handed down, to us and from us, in the same course and order. Our political system is placed in a just correspondence and symmetry with the order of the world, and with the mode of existence decreed to a permanent body composed of transitory parts; wherein, by the disposition of a stupendous wisdom, moulding together the great mysterious incorporation of the human race, the whole, at one time, is never old, or middle-aged, or young; but, in a condition of unchangeable constancy, moves on through the varied tenor of perpetual decay, fall, renovation, and progression. Thus, by preserving the method of nature in the conduct of the state, in what we improve we are never wholly new; in what we retain, we are never wholly obsolete. By adhering in this manner, and on those principles, to our forefathers, we are guided not by the superstition of antiquarians, but by the spirit of philosophic analogy. In this choice of inheritance, we have given to our frame of polity the image of a relation in blood; binding up the constitution of our country with our dearest domestic ties; adopting our fundamental laws into the bosom of our family affections; keeping inseparable, and cherishing with the warmth of all their combined and mutually reflected charities, our state, our hearths, our sepulchres, and our altars.

Through

Through the same plan of a conformity to nature in our artificial institutions, and by calling in the aid of her unerring and powerful instincts, to fortify the fallible and feeble contrivances of our reason, we have derived several other, and those no small benefits, from considering our liberties in the light of an inheritance. Always acting as if in the presence of canonized forefathers, the spirit of freedom, leading in itself to misrule and excess, is tempered with an awful gravity. This idea of a liberal descent inspires us with a sense of habitual native dignity, which prevents that upstart insolence almost inevitably adhering to and disgracing those who are the first acquirers of any distinction. By this means our liberty becomes a noble freedom. It carries an imposing and majestic aspect—it has a pedigree and illustrating ancestors—it has its bearings and its ensigns armorial—it has its gallery of portraits, its monumental inscriptions, its records, evidences, and titles. We procure reverence to our civil institutions on the principle upon which nature teaches us to revere individual men—on account of their age, and on account of those from whom they are descended. All your sophisters cannot produce any thing better adapted to preserve a rational and manly freedom, than the course that we have pursued, who have chosen our nature rather than our speculations, our breasts rather than our inventions, for the great conservatories and magazines of our rights and privileges.

Mr. Burke.

*MR. MACKINTOSH.*Vindiciæ
Gallicæ.

THE revolution of 1688 is confessed to have established principles by those who lament that it has not reformed institutions. It has sanctified the theory, if it has not insured the practice of a free government. It declared, by a memorable precedent, the right of the people of England to revoke abused power, to frame the government, and bestow the crown. There was a time, indeed, when some wretched followers of Filmer and Blackwood lifted their heads in opposition. But more than half a century had withdrawn them from public contempt, to the amnesty and oblivion which their innoxious stupidity had purchased.

It was reserved for the latter end of the eighteenth century, to construe these innocent and obvious inferences into libels on the constitution and the laws. Dr. Price had asserted, that the house of Hanover owes the crown of England to the choice of their people; that the revolution has established our right “to choose our own governors, “to cashier them for misconduct, and to frame a “government for ourselves.” The first proposition, says Mr. Burke, is either false or nugatory. If it imports that England is an elective monarchy, “it is an unfounded, dangerous, illegal, and unconstitutional position.” If it alludes to the election of his majesty’s ancestors to the throne, it no
more

more legalizes the government of England than that of other nations, where the founders of dynasties have generally founded their claims on some sort of election. The first member of this dilemma merits no reply. The people may certainly, as they have done, *choose* hereditary rather than elective monarchy. They may *elect* a race instead of an individual. Their *right* is in all these cases equally unimpaired. It will be in vain to compare the pretended elections in which a council of barons, or an army of mercenaries, have imposed usurpers on enslaved and benighted kingdoms, with the solemn, deliberate, national *choice* of 1688. It is, indeed, often expedient to sanction these deficient titles by subsequent acquiescence. It is not among the projected innovations of France to revive the claims of any of the posterity of Pharamond and Clovis, nor to arraign the usurpations of Pepin or Hugh Capet. Public tranquillity thus demands a veil to be drawn over the successful crimes, through which kings have so often waded to the throne. But wherefore should we not exult, that the supreme magistracy of England is free from this blot; that, as a *direct* emanation from the sovereignty of the people, it is as legitimate in its origin as in its administration? Thus understood, the position of Dr. Price is neither false nor nugatory. It is not nugatory, for it honourably distinguishes the English monarchy among the governments of the world; and if it be false, the whole history of our revolution must be a legend. The fact was shortly, that

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the prince of Orange was elected king of England, in contempt of the claims, not only of the exiled monarch and his son, but of the princesses Mary and Anne, the undisputed progeny of James II. The title of William III. was then clearly not *succession*; and the house of commons ordered Dr. Burnet's tract to be burnt by the hands of the hangman, for maintaining that it was *conquest*. There remains only *election*, for these three claims to royalty are all that are known among men. It is futile to urge, that the convention deviated only *slenderly* from the order of *succession*. The deviation was indeed slight, but it destroyed the principle, and established the right to deviate—the point at issue. The principle that justified the elevation of William III. and the preference of the posterity of Sophia of Hanover to those of Henrietta of Orleans, would equally, *in point of right*, have vindicated the election of chancellor Jefferies or colonel Kirk. The *choice* was, like every other choice, to be guided by views of policy and prudence; but it was a choice still.

From these views arose that repugnance between the conduct and the language of the revolutionists, of which Mr. Burke has availed himself. Their conduct was manly and systematic—their language was conciliating and equivocal. They kept measures with prejudice, which they deemed necessary to the order of society. They imposed on the grossness of the popular understanding, by a sort of compromise between the constitution and the

the abdicated family. “ They drew a politic, ^{Mr. Mack-}
 “ well-wrought veil,” to use the expressions of Mr. ^{intosh.}
 Burke, over the glorious scene which they had
 acted. They affected to preserve a semblance of
 succession, to recur for the objects of their election
 to the posterity of Charles and James, that respect
 and loyalty might with less violence to public sen-
 timent attach to the new sovereign. Had a Jacobite
 been permitted freedom of speech in the parlia-
 ments of William III. he might thus have arraigned
 the act of settlement—“ Is the language of your
 “ statutes to be at eternal war with truth?—Not
 “ long ago you profaned the forms of devotion by
 “ a thanksgiving, which either means nothing, or
 “ insinuates a lie. You thanked heaven for the
 “ preservation of a king and queen on the *throne*
 “ *of their ancestors*; an expression which either was
 “ singly meant of their descent, which was frivo-
 “ lous, or insinuated their hereditary right, which
 “ was false.—With the same contempt for con-
 “ sistency and truth, we are this day called on to
 “ settle the crown of England on a princess of Ger-
 “ many, ‘ because’ she is the grand-daughter of
 “ James the First. If that be, as the phraseology
 “ insinuates, the *true* and *sole* reason of the choice,
 “ consistency demands that the words after ‘ ex-
 “ cellent’ should be omitted, and in their place be
 “ inserted ‘ Victor Amadeus, duke of Savoy,
 “ married to the daughter of the most excellent
 “ princess Henrietta, late duchess of Orleans,
 “ daughter of our late sovereign lord Charles I. of

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“ glorious memory.”—Do homage to loyalty in
“ your actions, or abjure it in your words—avow
“ the grounds of your conduct, and your manli-
“ nefs will be respected by those who detest your
“ rebellion.” What reply lord Somers, or Mr.
Burke, could have devised to this Philippic, I
know not, unless they confessed that the authors of
the revolution had one language for novices, and
another for adepts. Whether this conduct was the
fruit of caution and consummate wisdom, or of a
narrow, arrogant, and dastardly policy, which re-
garded the human race as only to be governed by
being duped, it is useless to enquire, and might
be presumptuous to determine. But it certainly was
not to be expected, that any controversy should
have arisen by confounding their *principles* with
their *pretexts*. With the latter the position of Dr.
Price has no connection ; from the former it is
an infallible inference.

The next doctrine of this obnoxious sermon that
provokes the indignation of Mr. Burke is, that
the revolution has established “ our right to cashier
“ our governors for misconduct.” Here a plain
man could have foreseen scarcely any diversity of
opinion. To contend that the deposition of a king
for the abuse of his powers did not establish a prin-
ciple in favour of the like deposition, when the like
abuse should again occur, is certainly one of the
most arduous enterprises that ever the heroism of
paradox encountered. He has, however, not neg-
lected

lected the means of retreat. “No government,” he tells us, “could stand a moment, if it could be blown down with any thing so loose and indefinite as opinion of *misconduct*.” One might suppose, from the dexterous levity with which the word *misconduct* is introduced, that the partisans of democracy had maintained the expediency of deposing kings for every frivolous and venial fault, of revolting against a monarch for the choice of his titled or untitled valets, for removing his footmen, or his lords of the bedchamber. It would have been candid in Mr. Burke not to have disguised what he must know, that by *misconduct* was meant that precise species of misconduct for which James II. was dethroned—A CONSPIRACY AGAINST THE LIBERTY OF HIS COUNTRY.

Nothing can be more weak than to urge the *constitutional irresponsibility* of kings or parliaments. The law can never suppose them responsible, because their responsibility supposes the dissolution of society, which is the annihilation of law. In the governments which have hitherto existed, the power of the magistrate is the only article in the social compact. Destroy it, and society is dissolved. A legal provision for the responsibility of kings would infer, that the authority of laws could co-exist with their destruction. It is because they cannot be legally and constitutionally, that they must be morally and rationally responsible. It is because there are no remedies to be found within the pale of society, that we are to seek them in nature,

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ture, and throw out parchment chains in the face of our oppressors. No man can deduce a precedent of *law* from the revolution, for law cannot exist in the dissolution of government. A precedent of reason and justice only can be established on it; and perhaps the friends of freedom merit the misrepresentation with which they have been opposed, for trusting their cause to such frail and frivolous auxiliaries, and for seeking in the profligate practices of men what is to be found in the sacred rights of nature. The system of lawyers is indeed widely different. They can only appeal to usage, precedents, authorities, and statutes. They display their elaborate frivolity, their perfidious friendship, in disgracing freedom with the fantastic honour of a pedigree. A pleader at the Old Bailey, who would attempt to aggravate the guilt of a robber, or a murderer, by proving that king John, or king Alfred, punished robbery and murder, would only provoke derision. A man who should pretend that the reason why we had right to property is, because our ancestors enjoyed that right 400 years ago, would be justly contemned. Yet so little is plain sense heard in the mysterious nonsense which is the cloak of political fraud, that the Cokes, the Blackstones, and Burkes, speak as if our right to freedom depended on its possession by our ancestors. In the common cases of morality we would blush at such an absurdity. No man would justify murder by its antiquity, or stigmatize benevolence for being new. The genealogist who

should emblazon the one as coeval with Cain, or stigmatize the other as upstart with Howard, would be disclaimed even by the most frantic partisan of aristocracy. This Gothic transfer of *genealogy* to truth and justice is peculiar to politics. The existence of robbery in one age makes its vindication in the next; and the champions of freedom have abandoned the strong hold of right for precedent, which, when the most favourable, is, as might be expected from the ages which furnish it, feeble, fluctuating, partial, and equivocal. It is not because we have been free, but because we have a right to be free, that we ought to demand freedom. Justice and liberty have neither birth nor race, youth nor age. It would be the same absurdity to assert, that we have a right to freedom because the Englishmen of Alfred's reign were free, as that three and three are six, *because* they were so in the camp of Genghis Khan. Let us hear no more of this ignoble and ignominious pedigree of freedom. Let us hear no more of her Saxon, Danish, or Norman ancestors. Let the immortal daughter of reason, of justice, and of God, be no longer confounded with the spurious abortions that have usurped her name.

But, says Mr. Burke, we do not contend that right as created by antiquarian research. We are far from contending that possession legitimates tyranny, or that fact ought to be confounded with right. But (to strip Mr. Burke's eulogies on English wisdom of their declamatory appendage) the

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the impression of antiquity endears and ennobles freedom, and fortifies it by rendering it august and venerable in the popular mind. The illusion is useful. The expediency of *political imposture* is the whole force of the argument; a principle odious and suspected to the friends of freedom, as the grand bulwark of secular and spiritual despotism in the world. To pronounce that men are only to be governed by delusion is to libel the human understanding, and to consecrate the frauds that have elevated despots and muftis, pontiffs and sultans, on the ruin of degraded and oppressed humanity. But the doctrine is as false as it is odious. Primary political truths are few and simple. It is easy to make them understood, and to transfer to government the same enlightened self-interest that presides in the other concerns of life. It may be made to be respected, not because it is ancient, or because it is sacred—not because it has been established by barons, or applauded by priests—but because it is useful. Men may easily be instructed to maintain rights which it is their *interest* to maintain, and duties which it is their *interest* to perform. This is the only principle of authority that does not violate justice and insult humanity. It is also the only one which can possess stability. The various fashions of prejudice and factitious sentiment which have been the basis of governments, are short-lived things. The illusions of chivalry, and the illusions of superstition, which give splendour or sanctity to government, are in their turn succeeded

needed by new modes of opinion and new systems of manners. Reason alone, and natural sentiment, are the denizens of every nation, and the cotemporaries of every age. A conviction of the utility of government affords the only stable and honourable security for obedience.

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Our ancestors at the revolution, it is true, were far from feeling the full force of these sublime truths; nor was the public mind of Europe, in the seventeenth century, sufficiently enlightened and matured for the grand enterprises of legislation. The science which teaches the rights of man, the eloquence that kindles the spirit of freedom, had for ages been buried with the other monuments of the wisdom and relics of the genius of antiquity. But the revival of letters first unlocked only to a few the sacred fountain. The necessary labours of criticism and lexicography occupied the earlier scholars, and some time elapsed before the spirit of antiquity was transfused into its admirers. The first man of that period who united elegant learning to original and masculine thought was Buchanan *, and he too seems to have been the first

* It is not a little remarkable, that Buchanan puts into the mouth of his antagonist, MAITLAND, the same alarms for the downfall of literature that have been excited in the mind of Mr. Burke by the French revolution. We can smile at such alarms on a retrospect of the literary history of Europe for the seventeenth of eighteen centuries; and should our controversies reach the enlightened scholars of a future age, they will probably, with the same reason, smile at the alarms of Mr. Burke.

scholar

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scholar who caught from the ancients the noble flame of republican enthusiasm. This praise is merited by his neglected, though incomparable tract, *De Jure Regni*, in which the principles of popular politics, and the maxims of a free government, are delivered with a precision, and enforced with an energy, which no former age had equalled, and no succeeding has surpassed. But the subsequent progress of the human mind was slow. The profound views of Harrington were derided as the ravings of a visionary; and who can wonder, that the frantic loyalty which depressed *Paradise Lost*, should involve in ignominy the eloquent apology of Milton * for the people of England against a feeble and venal pedant? Sidney, “by ancient
“learning to the enlightened love of ancient free-
“dom warmed,” taught the principles which he had sealed with his blood; and Locke, whose praise

* “Pessime enim vel naturâ vel legibus comparatum foret
“si arguta servitus, libertas muta esset; & haberent tyranni
“qui pro se dicerent, non haberent qui tyrannos debellare
“possunt: miserum esset si hæc ipsa ratio quo utimur Dei
“munere non multo plura ad homines conservandos, libe-
“randos, et *quantum natura fert* INTER SE ÆQUANDOS, quam
“ad opprimendos et sub UNIUS imperio malè perdendos, argu-
“menta suppeditaret. CAUSAM itaque PULCHERRIMAM hæc
“certè fiduciâ læti aggrediamur; illinc fraudem, fallaciam,
“ignorantiam atque barbariem; hinc lucem, veritatem, ratio-
“nem, et seculorum omnium studia atque doctrinam nobis
“cum stare.”

*Joannis Miltoni Defensio Populi Anglicani, apud Opera, tom. ii.
p. 238. ed. Lond. 1738.*

is less that of being bold and original, than of being temperate, sound, lucid, and methodical, deserves the immortal honour of having systematised and rendered popular the doctrines of civil and religious liberty. In Ireland, Molyneux, the friend of Locke, produced the "*Case of Ireland*," a production of which it is sufficient praise to say, that it was ordered to be burnt by a despotic parliament; and in Scotland, Andrew Fletcher, the scholar of Algernon Sidney, maintained the cause of his deserted country with the force of ancient eloquence, and the dignity of ancient virtue.

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Such is a rapid enumeration of those who had before, or near the revolution, contributed to the diffusion of political light. But their number was small, their writings were unpopular, their dogmas were proscribed. The habits of reading had only then begun to reach the great body of mankind, whom the arrogance of rank and letters has ignominiously confounded under the denomination of the vulgar. Many causes too contributed to form a powerful tory interest in England. The remnant of that Gothic sentiment, the extinction of which Mr. Burke so pathetically deplores, which engrafted loyalty on a point of honour in military attachment, formed one part, which may be called the *toryism of chivalry*. Doctrines of a divine right in kings, which are now too much forgotten even for successful ridicule, were then supported and revered.— This may be called the *toryism of superstition*. And a third species arose from the great transfer of property

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property into an upstart commercial interest, which drove the ancient gentry of England, for protection against its inroads, behind the throne. This may be called the *toryism of landed aristocracy* *. Religious prejudices, outrages on natural sentiments, which any artificial system is too feeble to withstand, and the stream of events which bore them along to extremities which no man could have foreseen, involved the tories in the revolution, and made it a truly national act.

But their repugnance to every shadow of innovation was invincible. Something the whigs may be supposed to have conceded for the sake of conciliation ; but few even of their leaders, it is probable, had grand and liberal views. What indeed could have been expected from the delegates of a nation, in which, a few years before, the university of Oxford, representing the national learning and wisdom, had, in a solemn decree, offered their congratulations to sir George Mackenzie (infamous for the abuse of brilliancy and accomplishment to

* Principle is respectable, even in its mistakes, and these tories of the last century were a party of principle. There were accordingly among them men of the most elevated and untainted honour. Who will refuse that praise to Clarendon and Southampton, Ormond and Montrose ?—But toryism, as a party of principle, cannot now exist in England ; for the principles on which we have seen it to be founded, exist no more. The Gothic sentiment is effaced, the superstition is exploded, and the landed and commercial interests are completely intermixed. The toryism of the present day can only arise from an abject spirit or a corrupt heart.

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the most servile and profligate purposes) as having
 confuted the abominable doctrines of Buchanan
 and Milton, and demonstrated the divine rights
 of kings to tyrannise and oppress mankind! It
 must be evident, that a people which could thus,
 by the organ of its most learned body, prostrate
 its reason before such execrable absurdities, was
 too *young* for legislation. Hence the absurd de-
 bates in the convention about the palliative phrases
 of abdicate, desert, &c. which were better cut short
 by the parliament of Scotland, when they used
 the correct and manly expression, that James II.
 had FORFEITED THE THRONE. Hence we find
 the revolutionists perpetually belying their poli-
 tical conduct by their legal phraseology. Hence
 their impotent and illusive reforms. Hence their
 neglect of foresight, in not providing bulwarks
 against the natural tendency of a disputed succession
 to accelerate most rapidly the progress of royal
 influence, by rendering it necessary to strengthen
 so much the possessor of the crown against the
 pretender to it, and thus partially sacrificing free-
 dom to the very means of preserving it.

But to elucidate the question more fully, “ let
 “ us listen to the genuine oracles of revolution
 “ policy;” not to the equivocal and palliative
 language of their statutes, but to the unrestrained
 effusion of sentiment in that memorable conference
 between the lords and commons, on Tuesday the
 5th of February 1688, which terminated in esta-
 blishing the present government of England. The

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tories yielding to the torrent, in the *personal* exclusion of James II. resolved to embarrass the whigs, by urging that the declaration of the abdication and vacancy of the throne was a change of the government, *pro hac vice*, into an elective monarchy. The inference is irresistible; and it must be confessed, that though the whigs were the better citizens, the tories were the more correct logicians. It is in this conference that we see the whig leaders compelled to disclose so much of those principles, which tenderness for prejudice, and reverence for usage, had influenced them to dissemble. It is here that we shall discover sparks kindled in the collision of debate, sufficient to enlighten the "politic gloom" in which they had enveloped their measures.

If there be any names venerable among the constitutional lawyers of England, they are those of lord Somers and Mr. serjeant Maynard. They were both conspicuous managers for the commons in this conference, and the language of both will more than sanctify the inferences of Dr. Price, and the creed of the revolution society. My lord Nottingham, who conducted the conference on the part of the tories, in a manner most honourable to his dexterity and acuteness, demanded of the managers for the commons, "Whether they mean
" the throne to be so *vacant* as to null the succession
" in the hereditary line, and so all the heirs to be
" cut off? which we (the lords) say, will make
" the crown *elective*." Maynard, whose argument
always

always breathed much of the old republican spirit, replied with force and plainness, “ It is not that
 “ the commons do say the crown of England is
 “ ALWAYS AND PERPETUALLY ELECTIVE, but
 “ it is necessary there be a supply where there is a
 “ defect.” It is impossible to mistake the import of these words. Nothing can be more evident, than that by the mode of *denying* that the crown was ALWAYS AND PERPETUALLY ELECTIVE, he confesses that it was for the then exigency *elective*. In pursuance of his argument, he uses a comparison strongly illustrative of his belief in dogmas anathematized by Mr. Burke. “ If two of
 “ us make a mutual agreement to help and defend
 “ each other from any one that should assault us
 “ in a journey, and he that is with me turns upon
 “ me, and breaks my head, he hath undoubtedly
 “ *abdicated* my assistance, and revoked.” Sentiments of the kingly office, more irreverent and correct, are not to be found in the most prophane evangelist that disgraces the democratic canon. It is not unworthy of incidental remark, that there were then persons who felt as great horror at novelties, which have since been universally received, as Mr. Burke now feels at the “ rights of men.” The earl of Clarendon, in his strictures on the speech of Mr. Somers, said, “ I may say thus
 “ much in general, that this breaking the original
 “ contract is a language that has not long been
 “ used in this place, nor known in any of our
 “ law-books or public records. It is sprung up
 M 2 “ but

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“ but as taken from some late authors, and those
“ none of the best received !”—This language
one might have supposed to be that of Mr. Burke.
It is not however his ; it is that of a Jacobite lord
of the seventeenth century !

The tories continued to perplex and intimidate
the whigs with the idea of *election*.—Maynard again
replies, “ The word *elective* is none of the com-
“ mons word. The provision must be made ;
“ and if it be, that will not render the kingdom
“ *perpetually ELECTIVE*.” If it were necessary to
multiply citations to prove that the revolution
was to all intents and purposes an *election*, we might
hear lord Nottingham, whose distinction is pe-
culiarly applicable to the case before us. “ If,”
says he, “ you do once make it *elective*, I do not
“ say you are always *bound* to go to *election* ; but
“ it is enough to make it so, if by that precedent
“ there be a breach in the hereditary succession.”
The reasoning of sir Robert Howard, another of
the managers for the commons, is bold and ex-
plicit. “ My lords, you will do well to consider ;
“ have you not yourselves limited the succession,
“ and cut off some that might have a line of right ?
“ Have you not concurred with us in our vote,
“ that it is inconsistent with our religion and our
“ laws to have a papist to reign over us ? *Must*
“ we not then come to an *ELECTION*, if the next
“ heir be a papist ?” The precise fact which fol-
lowed.—But what tends the most strongly to il-
lustrate that contradiction between the *exoteric* and
esoteric

esoteric doctrine, the legal language and the real principles, which forms the basis of this whole argument, is the avowal of sir Richard Temple, another of the managers for the commons—"We are in as natural a capacity as any of our predecessors were to provide for a remedy in such exigencies as this." Hence it followed infallibly, that their posterity to all generations *would be in the same "natural capacity"* to provide remedy for exigencies. But let us hear their statutes. There "the lords spiritual and temporal, and commons, do, in the name of all the people of England, most humbly *and faithfully submit themselves, their heirs and posterity for ever,*" &c. Here is the triumph of Mr. Burke—a solemn abdication and renunciation of right to change the monarch or the constitution! His triumph is increased by this statutory abolition of the rights of men being copied from a similar profession of eternal allegiance made by the parliament of Elizabeth!—It is difficult to conceive any thing more preposterous. In the very act of exercising a right which their ancestors had abdicated in their name, they abdicate the same right in the name of their posterity. To increase the ridicule of this legislative farce, they impose an *irrevocable* law on their posterity in the precise words of that law irrevocably imposed on them by their ancestors, at the moment when they are violating it. The parliament of Elizabeth submit themselves and their posterity for ever. The convention of

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1688 spurn the submission for themselves, but re-enact it for their posterity. And after such a glaring inconsistency, this language of statutory adulation is seriously and triumphantly brought forward as “ the *unerring oracles* of revolution policy.”

Thus evidently has it appeared, from the conduct and language of the leaders of the revolution, that it was a *deposition* and an *election*; and that all language of a contrary tendency, which is to be found in their acts, arose from the remnant of their own prejudice, or from concession to the prejudice of others, or from the superficial and presumptuous policy of imposing august illusions on mankind. The same spirit regulated, the same prejudices impeded their progress in every department. “ They acted,” says Mr. Burke, “ by “ their ancient states.” They did not. Were the peers, and the members of a dissolved house of commons, with the lord mayor of London, &c. convoked by a summons from the prince of Orange, the parliament of England?—No. They were neither lawfully elected nor lawfully assembled. But they affected a semblance of a parliament in their convention, and a semblance of hereditary right in their election. The subsequent act of parliament is nugatory; for, as that legislature derived its whole existence and authority from the convention, it could not return more than it had received, and could not therefore *legalize* the acts of the body which created it. If they were not
previously

previously legal, the parliament itself was without *legal* authority, and could, therefore, give no legal sanction. It is therefore without any view to a prior, or allusion to a subsequent revolution, that Dr. Price and the revolution society of London think themselves entitled to conclude, that abused power is revocable, and corrupt governments ought to be reformed. Of the first of these revolutions, that in 1648, they may, perhaps, entertain different sentiments from Mr. Burke. They will confess that it was debased by the mixture of fanaticism; they may lament that history has so often prostituted her ungenerous suffrage to success, and that the commonwealth was obscured and overwhelmed by the splendid profligacy of military usurpation. But they cannot arrogate the praise of having been the first to maintain, nor can Mr. Burke support his claim to have been the first who reprobated, *since that period*, the audacious heresy of popular politics. The prototype of Mr. Burke is not a less notorious personage than the predecessor he has assigned to Dr. Price. History has preserved fewer memorials of Hugh Peters than of judge Jeffries. It was the fortune of that luminary and model of lawyers to sit in judgment on one of the fanatical apostles of democracy. In the present ignominious obscurity of the sect in England, it may be necessary to mention that the name of this criminal was Algernon Sidney. He had, it is true, in his time acquired some renown: he was celebrated as the hero, and deplored as the

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martyr,

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martyr, of freedom. But the learned magistrate was above this "epidemical fanaticism." He inveighed against his pestilential dogmas in a spirit that deprives Mr. Burke's invective against Dr. Price of all pretensions to originality. An unvarnished statement will so well evince the harmony both of the culprits and the accusers, that remark is superfluous.

ALGERNON SIDNEY.

(Indictment against him.)

"And that the aforesaid Algernon Sidney did make, compose and write, or cause to be made, composed and written, a certain false, scandalous and seditious libel, in which is contained the following English words——

"*The power originally in the people is delegated to the parliament—*He (meaning the king) is subject to the laws of God, as he is a man, and to the people that made him a king, inasmuch as he is a king." And in another place of the said libel he says, "We may therefore take away kings without breaking any yoke, or that is made a yoke, which ought not to be one, and the injury therefore is making or imposing, and there can be none in breaking it," &c.

DOCTOR PRICE.

His Sermon.

"We have a right to choose our own governors, to cashier them for misconduct, and to frame a government for ourselves."

Thus we see the harmony of the culprits. The one is only a perspicuous and precise abridgment of the other. The harmony of the judges will not

not be found less remarkable. Mr. Burke, "when
 "he talks as if he had made a discovery, only
 "follows a precedent."

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JUDGE JEFFRIES'
Charge to the Jury.

MR. BURKE.

"The king, it says, is responsible to them, and he is only their trustee. He has misgoverned, and he is to give it up, that they may be all kings themselves. Gentlemen, I must tell you, I think I ought more than ordinarily to press this on you, because I know the misfortunes of the late unhappy rebellion; and the bringing of the late blessed king to the scaffold was first begun by such kind of principles *."

"The revolution society chooses to assert, that a king is no more than the first servant of the public, created by it, and responsible to it."—
 "The second claim of the revolution society is cashiering the monarch for misconduct," p. 37. "The revolution society, the heroic band of fabricators of governments, electors of sovereigns," p. 98. "This sermon is in a strain which has never been heard in this kingdom, in any of the pulpits which are tolerated or encouraged in it, since 1648." P. 13.

Thus does Mr. Burke chant his political song in exact unison with the strains of the venerable magistrate; they indict the same crimes; they impute the same motives; they dread the same consequences.

The revolution society felt, from the great event which they professedly commemorated, new motives to exult in the emancipation of France. The revolution of 1688 deserves more the attention of a philosopher, from its indirect influence on the pro-

* Trial of Algernon Sidney for high treason. State Trials, vol. iii. p. 710 & seq.

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gress of human opinion, than from its immediate effects on the government of England. In the first view, it is perhaps difficult to estimate the magnitude of its effects. It sanctified, as we have seen, the general principles of freedom. It gave the first example in civilized modern Europe of a government which reconciled a semblance of *political*, and a large portion of *civil* liberty with stability and peace. But above all, Europe owes to it the inestimable blessing of an asylum for freedom of thought. Hence England became the preceptress of the world in philosophy and freedom. Hence arose the school of sages, who unshackled and emancipated the human mind; from among whom issued the Lockes, the Rousseaus, the Turgots, and the Franklins, the immortal band of preceptors and benefactors of mankind. They silently operated a grand *moral* revolution, which was in due time to meliorate the social order. They had tyrants to dethrone more formidable than kings, and from whom kings held their power. They wrested the sceptre from superstition, and dragged prejudice in triumph. They destroyed the arsenal whence despotism had borrowed her thunders and her chains. These grand enterprises of philosophic heroism must have preceded the reforms of civil government. The Colossus of tyranny was undermined, and a pebble overthrew it.—From this progress of opinion arose the American revolution, and from this, most unquestionably the delivery of France. Nothing, therefore, could be more

more natural than that those who, without blind bigotry for the forms, had a rational reverence for the principles of our ancestors, should rejoice in a revolution, where these principles, which England had so long suffered to repose in impotent abstraction, were called forth into energy, expanded, invigorated, and matured. If, as we have presumed to suppose, the revolution of 1688 may have had no small share in accelerating that progress of light which has dissolved the prejudices that supported despotism, they may be permitted, besides their exultation as friends of humanity, to indulge some pride as Englishmen.

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intosh.

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DR. PRIESTLEY.

Letters to
the Right
Hon. Ed-
mund
Burke.

IT is impossible to consider the late revolution in France, without having in our eye that which took place in England in 1688. This has had so much of the cordial approbation of all classes of people here, at least all those who are denominated *whigs*, that you found yourself under the necessity of approving of it. But you wish to distinguish between the principles on which the great actors in that memorable event proceeded, and those of the national assembly in France. The promoters of the English revolution, you would have us understand, were not guided by any view to the *natural* (or, as you affect to call them, the *chimerical*) *rights of men*, but were influenced by a regard to rights sanctioned by *ancient possession*; and consequently, that their example furnishes no authority for any people to choose their own governors, or to dismiss them for misconduct.

You appeal to *lord Somers* for the principles of the English revolution. Let his writings then explain his sentiments on the nature of government. Now, the very title page of a tract generally ascribed to him, entitled, *The judgment of whole kingdoms and nations concerning the rights, power, and prerogative of kings, and the rights, privileges, and properties of the people*, asserts, “ that all magistrates
“ and

“ and governors proceed from the people.” This he proves at large in the course of the work, in which he shews, as an inference from this great principle, that the people, when oppressed, are justifiable in relieving themselves by a change of their governors, or of their government; exploding, in a variety of lights, the slavish doctrine, to use his own terms, of *passive obedience and loyalty*.

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One of the most extraordinary of your assertions, with respect to the revolution in England, is the following: “ So far,” you say, “ is it from being true, that we acquired a right by the revolution to elect our kings, that, if we had possessed it before, the English nation did at that time most solemnly renounce and abdicate it for themselves, and for all their posterity for ever.” But could they seriously mean to bind their posterity from ever doing again what they themselves then did? Did they not, by changing the natural succession of the kings of this realm, actually *exercise* the right of choosing kings, declaring what description of persons should from that time succeed to the crown? And what any one parliament did, a succeeding one might, no doubt, undo.

But that no such thing as a renunciation of a right to do any thing of this kind, was really meant by the legislature of that age, is evident from two acts of parliament, viz. of the fourth and sixth of queen Anne, the former of them made before the union; and the latter in the same words after it respecting the

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the whole of Great Britain. This was in the time of lord Somers, and no doubt with his concurrence; and from them it appears, that your assertion is even nothing less than *high treason*. The words of the acts are as follows: “ If any person shall, by
“ writing or printing, maintain and affirm, that the
“ kings or queens of this realm, with and by the
“ authority of parliament, are not able to make
“ laws and statutes of sufficient validity to limit
“ the crown, and the descent, inheritance, and go-
“ vernment thereof, every such person shall be
“ guilty of high treason.”

Far am I from wishing to bring you into any serious inconvenience, by representing you as having offended against the laws of your country; but I wish it may serve as a hint to you to pay more attention to the great principles of our constitution, as well as to the universal principles of government and the *rights of men*, offensive as the term may be to you, for the future.

You say, “ The gentlemen of the *society for re-
“ volutions*” (as you contemptuously call it) “ see
“ nothing of that in 1688, but the deviation from
“ the constitution; and they take the deviation
“ from the principle for the principle.” Let us then consider the simple *fact*, that we may discover the true *principle* of the proceeding, and examine the justice of your complaint. A king had abused his trust, and in the construction of the remaining governing powers of the country, as well as of the
people,

people, had virtually *abdicated the government*. According to the established rule of succession, his son should have succeeded him; but they apprehended the same evils from the son which they had experienced from the father, and likewise from all princes of the same description with the father, that is, all who should profess the Roman catholic religion. They therefore made a law to exclude all such princes, and fixed the succession in the nearest protestant line. But, in conjunction with the first of this line, they chose a person entirely foreign to it, who had no legal pretensions to the crown at all, being only the husband of queen Mary, as prince George of Denmark was of queen Anne; and on the failure of issue by his wife Mary, and the princess Ann, they gave the crown to the heirs of the body of the prince of Orange. See Rapin's History, vol. ii. p. 795.

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Here then was a *choice* made, both of a particular king *pro tempore*, and also of a *new line of succession* for future kings. Certainly, therefore, if the conduct of our ancestors in that period be any precedent for future proceedings, it authorizes the people of this country, not only to make any change in the rule of succession to the crown, but to make any person king, and in fact to do whatever they shall think necessary for the redress of their grievances. This was unquestionably the proper *reason, motive, principle, or rule* of their conduct; and to act upon it in any future time, cannot with propriety

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priety be called taking “ the deviation from their “ principle for the principle.” To do any thing that shall be deemed necessary to remove any present evils, and to prevent the recurrence of them, would be doing no more than they would have done in our circumstances.

Considering the reverence that is always paid to whatever is *ancient*, it is certainly wise in any nation to preserve old institutions as long as they are tolerable, because the people will bear with them better than with new ones. This principle, no doubt, influenced our ancestors at the revolution and at other times. They contented themselves with removing the pressing grievance, and kept as near to the ancient system as they could. At the revolution, there was no occasion for any thing more ; at least the country would not bear any thing more, than a deviation from the line of succession to the crown, leaving the popish, and adopting the protestant line. But if more had been wanted, they would certainly have done more.

You call the revolution “ an act of necessity.” But what was it that made it necessary ? On what *political principle* was the necessity founded ? Was it not deemed necessary, because the people apprehended that their liberties, and consequently their happiness, were endangered by the measures of the king ? and therefore, though, as you justly say, “ a “ revolution is the last resource of the thinking and “ the good,” it was what they found themselves driven

driven to. It was the less of two evils which they had in prospect; and what they did, they thought to be necessary for the removal and prevention of the evil. And on the same *principle* that they changed the order of succession, they would have changed the whole frame of the government. Had they apprehended *government by kings* in general to be as great a grievance as that by *popish kings*, they would have abolished kingly government altogether, and this country would now have been a republic.

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Whenever circumstances have been favourable to greater changes, wise nations have not failed to adopt them. When America was driven, as you will allow (for at that time you were very active in the business, and many a time have I, with singular satisfaction, heard you plead the cause of American liberty), by the oppression of this country, to break entirely from it; the Americans, sensible of more evils attending their former government than our ancestors at the revolution, ventured to do a great deal more, and set a glorious example to France and to the world. They formed a completely new government on the principles of *equal liberty* and the *rights of men*, “without nobles,” as Dr. Price expressively and happily said, “without bishops, and without a king;” which, indeed, the Dutch, after their separation from the Spanish monarchy, did in a great measure before them. If arbitrary princes tremble at these great *examples* (at

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the very idea of which you yourself, as if you were a part of royalty, and appertaining to it, tremble also), it is time that they who have so long made others tremble, should in their turn tremble themselves. But let the *people* rejoice. It will either make their princes keep within bounds, or encourage them to hope that the time of their deliverance is at hand.

That all persons have not the same dread of revolutions which has seized on you, and that the genuine principles of the revolution are still preserved and taught in this country, will appear from the following extracts from *Mr. Paley's Principles of moral and political Philosophy*, with which I shall close this letter.

“ *Government may be too secure.* The greatest tyrants have been those whose titles were the most unquestioned. Whenever, therefore, the opinion of right becomes too predominant and superstitious, it is abated by *breaking the custom*. Thus the revolution broke the *custom of succession*, and thereby moderated, both in the prince and people, those lofty notions of hereditary right, which in the one were become a continual temptation to tyranny, and disposed the other to invite servitude by undue compliances and dangerous concessions.” P. 411, quarto edition.

“ The true reason why mankind hold in detestation the memory of those who have sold their liberty to a tyrant is, that, together with their
“ own,

own, they sold commonly, or endangered, the liberty of others, which certainly they had no right to dispose of." P. 77.

Dr. Priestley.

"No usage, law, or authority whatever, is so binding, that it need or ought to be continued, when it may be changed with advantage to the community. The family of the prince, the order of succession, the prerogative of the crown, the form and parts of the legislature, together with the respective powers, office, duration, and mutual dependency of the several parts, are all only so many *laws*, mutable like other laws, whenever expediency requires, either by the ordinary act of the legislature, or, if the occasion deserve it, by the interposition of the people. These points are wont to be approached with a kind of awe; they are represented to the mind as principles of the constitution settled by our ancestors, and being settled to be no more committed to innovation or debate, as foundations never to be stirred; as the terms and conditions of the social compact, to which every citizen of the state has engaged his fidelity, by virtue of a promise which he cannot now recal. Such reasons have no place in our system: to us, if there be any good reason for treating these with more deference and respect than other laws, it is either the advantage of the present constitution of government (which reason must be of different force in different countries), or, be-

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" cause

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“ cause in all countries it is of importance, that the
“ form and usage of governing be acknowledged
“ and understood, as well by the governors as
“ the governed; and because, the feldomer it is
“ changed, the more it will be respected by both
“ sides.” P. 426.

Mr.

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IN our ENGLISH REVOLUTION, I see nothing to induce the opinion, when facts are attentively considered, of any incompetence in the people to alter the form of the constitution, in any extent which they should find requisite. Dr. PRICE, a name endeared to human society by the most disinterested, persevering, and extensive services, and whose death will be regretted by greater multitudes than the eloquence of aught but virtue can ever reach, considers it as a solemn assertion carried into practice of the *right of the people to choose their own governors; to cashier them for misconduct; and to form a government for themselves.*—And in the name of the PEOPLE of ENGLAND, Mr. BURKE very explicitly and warmly protests against the claim, and denies it to have any foundation in the facts and principles of that event; reprobating the idea as innovating, and certain to be resisted by the people, with the sacrifice of their lives and fortunes, if ever it should be practically asserted. But as it cannot be practically asserted at any future period, but by the concurrence of the people, there must be some mistake in supposing that the people will sacrifice themselves to prevent what they shall have determined to effect.

Remarks
on the Letter of Mr.
Edmund
Burke.

The question, in the mean time, whether these three great principles *are* practically asserted by the
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revolution,

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revolution, must from the nature of it be a simple question of fact, the solution of which cannot be difficult or obscure.

On the *second* of these rights, which was first in the execution (for *William* was not chosen till *James* had been legislatively *pronounced* no longer king), the only objection possible to be offered to the proof resulting from the plain language of the facts amounts to this, that *misconduct* is a word not sufficiently strong for the occasion. Mr. Burke gives no other word; and he repeats the instances of misgovernment for which the legislature, in the name and in the behalf of the people, pronounced the government abdicated, and the throne vacant: they are instances of the highest misconduct; and the term is proper, because it does not mislead, by appearing to confine the mind to the degree and particular instances of delinquency, but gives, justly and with precision, the general ground. What degree and kind of misconduct incapacitates for that measure of public trust which is annexed to the exercise of the kingly office, THE PEOPLE must determine. And as the justness of Mr. Burke's observation, that the ceremony of cashiering kings is no light or easy one, will admit of no dispute, it can be as little doubted, that the people will not resort to it as a capricious amusement; but as a most serious and last remedy in cases of general urgency.

But to say that "*the line where obedience ought to end, and resistance must begin, is faint, obscure, and*
not

not easily definable," is to convert a question of common sense and immediate public feeling, into a casuistical nicety; either useless when applied to such subjects, or pernicious: nor is this very consistent with the epithet of "*superlative,*" characterizing this line; for superlatives must make a determinate, strong, and vivid impression. And to say that it is "*a question of state, not made for common occasions, nor to be agitated by common minds,*" is to assert in the former clause of the sentence what was too clear to require stating, and which seems only to have been introduced for the purpose of familiarizing the doctrine in the close; a doctrine so alarmingly paradoxical, that it did indeed require preparation: it was necessary the mind should slide over it by aid of the smooth and insensible declivity offered it in the preceding proposition.

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The right to the *choice* of governors, as by the revolution asserted, is combated on the suggestion that it is "*against all principles of genuine jurisprudence to draw a principle from a law made in a special case, and regarding an individual person.*" And if it regards him merely as an individual, this will evidently be true. But the principles of that law which pronounced the throne abdicated, and the government vacant, and which filled that vacancy by the adoption of a foreign prince, were not limited to the names and persons of *James* and *William*. These we may now use as the *Caius* and *Titius* of the *Roman* jurists; and may assert, that when

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a prince *violates the original compact*, and by *breaking the fundamental laws* manifests (and carries into execution as far as in him lies) by overt act, an attempt to subvert the constitution of the kingdom; when a prince puts himself in a situation which incapacitates him from performing the duties of his office, he has divested himself of title to authority; and the vacancy shall be supplied in such manner as the circumstances of the case demand, for the preservation of the liberty and peace of the nation.

Another reason is attempted, by which to prove, that the conduct of the revolutionists was not meant to assert, but to exclude the right of the people to choose their governors: it was a *small*, it is said, *and temporary deviation from the strict order of hereditary succession*. But doubtless it is too manifest to require proof or discussion that it was *not* a small deviation, since it vested the whole regal office *exclusively* in *William*: that it was not *temporary*, since it superseded all who were not protestants to the end of time: that indeed no change of succession could go much farther than one which constituted a new source, new limitations and conditions of descent: and that, had it been in fact as temporary and as small as any change of this nature can ever be, it could be justified on no principle of less extent than such as would alike authorize, if the case required, a total disregard to succession: and a case is obvious to be conceived in which, on the principles of the revolution, all idea of succession in any subsisting line must have been totally abandoned.

abandoned. Events were by no means improbable, in which, by the very act of succession established on the principles which had established the revolution, a new appointment, for which no legislative provision had been made, must have taken place; persons inheritable, if they had not expressly been excluded, still remaining. And this appointment could have had no constitutional or rational basis, but in an authority derived from *the choice of the people*.

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In reality, *the people* exercised a right as full as the most absolute which the possessor of a fee can exert in limiting a private inheritance. If he gives this to *John*, in preference to his elder brother *James*, he gives it by the same right, and not by any less than that, which would have authorized him to give it to a stranger. If he limits the descent by conditions, he limits it as having the perfect disposal; the nature and importance of those conditions being in his own breast. If the legislature then adverted in the instance of *William* to any idea of propinquity to the throne, they did thus, because such propinquity was, with more essential considerations, a motive of choice; as softening prejudices, and retaining so much of ancient usage as appeared in the circumstances safe and expedient to be retained. And in the preface to the last edition of the discourse of Dr. Price on *the love of our country*, it is well observed, that the power of parliament to limit the descent and inheritance of the crown is solemnly affirmed by a deliberate

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berate act of the legislature*.—I say nothing of the extreme sanction under which the denial of it is prohibited.

The right of the people to form a government for themselves, is said to have as little sanction from the revolution as the other two, either in precedent or principle. This may truly and safely be admitted; since we have seen that those two are most clearly and explicitly recognized, both in principle and practice, by that event: and if a people assert by their conduct their right to remove their governors for mal-administration of their office, their right to choose governors superseding by that choice the course of succession; and if these rights so asserted resolve themselves into first principles of social power and of civil freedom, it would be idle in the extreme to enquire by what means a people who understand these branches of their authority, inherit them as rational and social beings, united for the common benefits of civil government, and act accordingly, can be made to doubt whether such government be not as much theirs to re-model or create, as the persons by whom it is to be administered are, necessarily, from the relation in which they stand, subject to their appointment and removal.

But if Mr. Burke views the *revolution* in this country in 1688 rightly, it was an exertion of public authority to establish freedom for the people of that age, in so far as their leaders thought proper

* 6 Anne, c. 7.

to establish it ; but to perpetuate *slavery* on their posterity for ever ; since, if the stipulations which they chose at that time to make were to be for ever binding on their descendants by an irrevocable law, whatever defects or mischiefs time and experience might discover, the law, which derives its force in every free state from being an expression of the will of the state, might act in the most perfect contrariety to their will.

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Every law, I apprehend, which is not merely declaratory of immutable principles (for these derive their obligation from an independent and supreme source) may be repealed by the same authority by which it is enacted ; an ordinary law, by the ordinary power of the legislature under their general trust ; a constitutional law, by the constitutional power of the people under a special trust, committed to the legislature for that particular purpose. In any other view of the subject, I should feel little difference between the obsolete notion of a divine hereditary indefeasible right to a perpetual succession of unalterable monarchy, and a parliamentary indefeasible obligation to an unchangeable form of government.

The kings, if there have been such of this country since the *Norman William*, who did not owe their throne to choice, direct or remote, of their people, could, I apprehend, be no other than usurpers. But it would not follow that the acts passed under their reign would consequently be invalid, any more than the *plebiscita* proposed by a
tribune

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tribune in the *Roman* republic, under certain incapacities, by the constitution, of holding that office. Mr. Burke, on recollection, can hardly, I think, fail to see the right side of this question; which has not been overlooked by the observation and sagacity of Plutarch. Laws would be wretchedly precarious indeed, if they should be void by the want of title in the individual exercising in fact the regal office, though passed by the advice and concurrence of the representatives of the people, and the other branch of the community, the lords. To suppose this, seems to contradict all analogy: and if no temporary and personal considerations had intervened, it seems incredible that the acts of the legislature during the interregnum could have been considered as void.

In the last seven centuries, and what has passed of the present, will one be found in which the course of succession has been observed as an unalterable rule? The general principle of a successive crown, in preference to one elective, at every vacancy, has prevailed; as of convenience, not of perpetual and proper necessity in a political sense. Yet Mr. Burke expresses himself, as if there never had been a king of *England* who owed his throne to the choice of the people, prior to the revolution; and as if the validity of our most essential laws, such as are vital to the constitution, depended on the result of researches now to be made respecting the validity of the titles to the crown of the several kings in whose reign they passed; as if the

two

two houses acting representatively or immediately for the whole community, the king excepted, could not give sanction to such laws as they should think necessary for the security and welfare of the people; if it should happen that posterity should be convinced by antiquarians, that the duke of York had a better title than the duke of Lancaster, or the contrary: that Richard the third was an usurper; or, if he were not, that Henry the seventh was: that, to go earlier back, the second or the fourth Henry stood upon ground that might not be able to resist the pressure of a severe discussion: that Edward the third had the most shocking objections to be opposed to his accession: or again, in later times, that of the sisters Mary and Elizabeth, the principles of succession, if tenable as to one, must fail as to the other; and that of choice, with regard to Mary, would have historical objections to its clearness, not easy to be surmounted. Where I see the approbation or voluntary acquiescence of the people, I see law; although there may be anomalies affecting parts of the legislature: and on any other principle, I should doubt whether we had an existing statute which could be called a law; at least since the *septennial* act, or much farther back, the act of disfranchisement, in the 8th of Henry VI. But for the rule which supports laws until the public suffrage of the nation declares their invalidity, notwithstanding defects in some of the branches of the legislature, it is unnecessary to quote *Coke, Hale, Foster, Blackstone, and Barrington.*

Mr. Capel
Lofft.

Mr. Capel *ton.* The rule proves itself by its utility and
 Loft. necessity.

It should seem, from another passage in Mr. Burke, that not one of the three branches of the legislature could be constitutionally annulled by its own consent, and that of the other two, founded on the most express and general declaration of the public will for the change : they have then each a several, absolute, indefeasible right in the most perfect sense : and by the same reason, two or one would have had the same right, if no more had existed ; and they could not, I presume, have consented to the creation of a co-ordinate power, any more than to the extinction of their own. To this, strict and necessary analogy seems to carry Mr. Burke : if so, it may shake his faith hereafter as to the legitimate existence of an house of commons. It will not shake mine : I know that the creation of new, or extinction of actual legislative powers, is necessarily and clearly beyond the limits of the ordinary legislature : but to say *the nation* cannot proceed thus far without exceeding the bounds of moral competence ; without breach of reason, faith, justice, and fixed policy, appears nothing less than saying, that it is morally incompetent to any people to have a better constitution than that which, on their first forming themselves into civil society, happened to be adopted.

I feel very different emotions from those of pleasure, in being obliged to dissent from Mr. Burke ; but I find another point which compels me to express

press my dissent : his denial of the *responsibility* of the *king* to the public.

Mr. Capel
Lofft.

I know that Mr. Burke may find a statute in which that responsibility is denied ; denied not only of a representative public in the ordinary state of the constitution, but of the people, in any the most extraordinary and fullest expression of their will. He may find (or rather he has found in both instances) the same denial, in a triumphant speech* from a tribunal of justice, when the monarchy sat in judgment on its late victors. He will certainly, I apprehend, not hear from any society or individual, any mention made, or intimation given, of a representative public, to which in the settled state of the constitution the king is responsible : but if the house of lords should arrogate to itself exclusively the powers of both, or either of the other branches ; if the house of commons should declare its pleasure to sit till it should dissolve itself, that house of lords and that house of commons would be responsible in right ; and I trust the spirit of the nation would reduce that responsibility to fact. Nothing can be more clearly in the house of lords than the judicial power : and it would be impossible for both, or either of the co-ordinate powers of the constitution to interfere coercively, by way of sentence, in case of misapplication or non-use of that power. Yet in this right, which it possesses in a peculiar and undoubted manner, it is unques-

* By Sir Orlando Bridgeman, on the trial of the regicides.

tionably

Mr. Capel
Lofft.

tionably responsible to the nation; and has certainly no other political responsibility, in a strict and direct sense.

The constitutional doctrine is, certainly, that the king is not criminally responsible to the ordinary legislature, nor any of its branches, to either or both the other. And the constitution provides expressly for that responsibility alone, which can be incurred while it exists unsubverted. While it does thus exist, none of its separate powers can so act as to be amenable to the others. But whichever branch, by assuming an exorbitant authority, destroys the constitutional *equilibrium*, deprives itself of its immunities as a part of the constitution, and becomes necessarily responsible to the judgment of the community, by whose sole arbitrement such infraction can be remedied.

A king, or governors of any designation, irresponsible to the community in cases which exclude all other means of redress, would be as monstrous an incongruity, compared with the universal principles and necessary end of government, as a king in the ordinary state of the *British* government, responsible for measures which, in such state, must always have been resolved and executed by ministers in their known departments; who have a direct responsibility, in some cases, to the subordinate courts of justice, and in all to parliament. Mr. Burke admits, that war may be justifiable by necessity against a king: that punishment may be justified, if inflicted "with a regard to dignity,"
and

and the decorous gravity of national justice ; for that “ the punishment of tyrants is a noble and “ awful act, and has, with truth, been said to be “ consolatory of the human mind.” It would, after this, appear sufficient to remark, that the only responsibility of which, at this day, any man can expect to hear, is that which Mr. Burke has expressly, and with becoming ardour, recognized. But this concession seems not long retained with consistency.

For, if Mr. Burke has learnt that all persons are individually and *collectively* under the king, he has learnt more than can be well reconciled to any case or form of responsibility : he has learnt more from the law than *Bracton* found in it ; whose king, greater than the parts, is inferior to the aggregate ; *singulis major, universis minor*. He has learnt more than the most eminent, and not ambitiously popular, of our modern lawyers, who quote with approbation this aphorism of *Bracton*.

If Mr. Burke, after his experience in courts and senates, and the best societies (they are called the best) at home and abroad, remains persuaded, that words are strictly representative and clearly discriminative of powers, it may be too much to question the sense annexed to the style by which our law speaks of the king, “ *our sovereign lord*.”

Otherwise it might be said, with apparent probability, that it only denoted his pre-eminence as the first *executive* over the subordinate magistracies ; and not a proper political sovereignty, such as

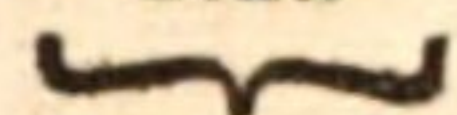
Mr. Capel
Lofft.

derivatively is ascribed to the *legislature*, figuratively to the *constitution*, properly and absolutely to the *people*. But if it would not bear a meaning correspondent to the principles of constitutional freedom, it would be preferable to endure, or to disuse, a complimentary solecism, rather than to permit a form of expression to be an instrument of infringing or obscuring public and substantial rights. And Mr. Burke, sensible of the facility with which titles of the lowest submission may veil the invidious glare of the proudest domination, might as commodiously be reconciled to the possibility of pompous titles accompanying a limited and moderate authority.

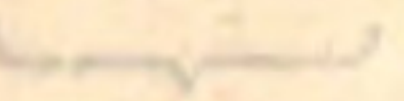
There is much and elegant declamation on hereditary privileges in the crown, the lords, and the commons; a constitutional inheritance in rights and liberties, illustrating the dignity of the people. And where antiquity has been attended with uniform examples of wisdom and virtue, it reflects a lustre on those bodies which are thus distinguished. How far the wisdom and virtue of our two houses, how far the conduct even of the nation itself has maintained inviolate this inheritance of glory, I would not digress so far as to state on this occasion. But whatever privileges, whatever glory are inheritable from civil institution, the rights of men, the honour of intellectual and moral agents, the illustrious rank of men determined to be free, is of date far higher, and of origin transcendently more venerable. It is an inheritance coeval with the commencement

mencement of humanity ; its ensigns are the countenance impressed with the divine character of reason ; its gallery, the extent of the habitable earth ; its monuments, the unperishable memory of the wisest, best, and bravest of the species of every age and country ; its evidence, the voice of nature ; its title, our equal relation to the Deity : from whom we derive in common the powers, the obligations, and the correspondent rights of man ; reason, conscience, and freedom.

Mr. Capel
Lofft.



Letter to
the Lord
Bishop of
Down
1790



MR. G ROUS.

Letter to
the Right
Hon. Ed-
mund
Burke.

“**T**HAT the nation is essentially the source of sovereignty,” is the principle of public law, against which the whole artillery of your eloquence has been levelled.—Yet this I affirm to be the fundamental principle of the British constitution ; and that whoever denies it, cannot maintain the title of his present majesty to the throne of these kingdoms. That, *in fact*, his title originated in the act of the PEOPLE, not organized in *any legal form*, nor *convened* by any *legal authority*, seems to me beyond all controversy. The history of the revolution you have endeavoured to pervert. A simple narrative confutes you. King James, who *by law* could do no wrong, because *by law* his agents and instruments were *alone responsible*, and who, *upon principles of natural justice*, could not forfeit for his son, fled from the kingdom, and carried with him his son. The prince of Orange refused to act upon the address of the peers convened under lord Hallifax, but called together a representative of the PEOPLE, acknowledged *by no law*, nor *analogous to any assembly that had ever existed*. He convened not the members of parliament who had sat under James the second—not the members of *any one parliament* that had sat under Charles—but *all the members* who had sat in any parliament of Charles the second before the subversion of charters ;

ters ; and to these were added the *mayor, aldermen,* Mr. Rous.
and fifty members of the common-council of the city of
London. This assembly *invested* the prince of
 Orange with *authority* to convene a parliament :
 and under this authority the subsequent settlement
 was made, which has given to the house of Brunf-
 wick their title to the throne of these kingdoms.
 It is plain that this assembly was *convened* by a
 prince who had *no pretence* of himself to exercise
 authority within these kingdoms—no claim but
 his *recent merits* in delivering the people from arbi-
 trary power—no title but to *their gratitude*:—and
 accordingly a *grateful sense of his merits* rendering
 him the object of *their choice*, the nation vested in
 him the *sole exercise* of the royal authority during
 his life, in exclusion even of his wife, the princess
 Mary, as well as of other branches of the royal
 family. The nation in this settlement were cer-
 tainly not governed by *caprice*, but by a *rational*
sober choice. The then *present settlement* in the prince
 of Orange was a measure of *present convenience* ; the
 subsequent limitations followed the line of legal
 succession, *as far as was judged consistent with the*
religion and liberties of the country. The late king,
 his son, and *all papists*, were *for ever excluded*.

When we speak of a right in the nation, we do
 not mean a right to be found in the statute-book,
 or defined by an existing law, for we are speaking of
 a *right paramount, the source and origin of all law* :
 but if no right to change the succession to the
 crown resides in the people, his present majesty is

Mr. Rous. an usurper, and we are all rebels against our lawful sovereign. From the revolution (not to go higher) no person *legally entitled to convene* a parliament has appeared, consequently no parliament has existed; for I presume you are not willing to revive the *republican fraud* of the king's authority, signified by the two houses of parliament. In defiance, however, of the senseless jargon of tories and jacobites, his majesty's title stands on a rock of adamant. His title *originated* from the PEOPLE exercising a right which the God of nature has given, and that title has been uniformly *sanctioned by their consent*.

To rejoice at the overthrow of despotism, and the erection of a free constitution, does not require a *nice discrimination* of the cases in which an *exercise* of this right is consistent with *moral duty*. No man ever contended that a *nation*, any more than the *individuals* of which it is composed, are exempt from moral restraints. Deriving their being and their rights from God, all are accountable to God for their conduct; but as no theocracy exists, and as the delegated divine right of kings is exploded, we infer, that British kings, *deriving their authority from the people, are accountable to the people*; and steadily appeal to the revolution as decisive evidence of this truth—a truth which no friend to the house of Brunswick can possibly deny.

If the *language* of the old whigs, in contradiction to the plain fact of their conduct, was accommodated to the *prejudices* of their allies the tories, who concurred in the revolution—if they wished not to
 expose

expose their recent establishment to the attack of Mr. Rous.
 these *prejudices*—if, notwithstanding all their care,
two rebellions were excited by *these prejudices* in fa-
 vour of the exiled family, and against the family
 of his present majesty, now that the danger is past,
 to enlighten the people becomes a duty. In our
 ancestors, this language of prejudice might be a
 pious fraud. In us, the same language is falsehood
 without a motive, and folly without excuse.

The error of your reasoning is manifest. It
 proceeds on this sacrifice to prejudice, and the
 consequent inaccuracy in *the language of the whigs*
 at the revolution: but it subverts the *principles* on
 which they *acted*. Thus, to disprove the right of
 the people, you transcribe the *language* of the con-
 vention parliament, which derived its *existence* from
 the *will of the nation*, spoken by an organ unknown to
 our laws, by a representation of the people ex-
 tremely dissimilar in its constitution to an ordinary
 house of commons. In the same manner you refer
 to the *language* of the act of settlement, which, you
 say, vests by *recognition* in their majesties all the
 legal prerogatives of the crown, though the first
 object of that act was to vest the *sole exercise of these*
prerogatives in king William, who had no pretence
 of title but the *choice of the nation*. In like manner
 you exult in the legislative ejaculation at “ the
 “ marvellous providence and merciful goodness of
 “ God to this nation, to preserve their said majes-
 “ ties’ royal persons, most happily to reign over us
 “ on the throne of their ancestors ;” though the act

Mr. Rous. was made to overturn the *legal succession*, and to confer the crown on their majesties, who confessedly had no *previous title*. And lastly, to sum up this notable argument, and silence all objections, you give us the *language* of this act, in which lords and commons, in the name of the people, “ submit themselves and their heirs and posterity for ever,” as a complete abdication of all *future right* of change in their posterity ; though you confess this to be a transcript of an act of *their ancestors*, which by this very instrument they themselves had overthrown :—by which instrument they had postponed to king William two princesses prior in the line of succession, *protestants*, resident within the kingdom, against whom there was no exception :—by which instrument they had absolutely cut off, not only king James, a tyrant and bigot, but likewise his *innocent infant son*, from an apprehension that he *might be hereafter educated in principles*, civil and religious, adverse to the liberties of the country :—by which instrument they had eventually transferred the crown to the princess Sophia, in preference to others prior in the legal course of succession ; and had on this limitation engrafted a *new condition* respecting the religion and marriage of even her posterity. By such reasoning an estate, conveyed to a *man and his heirs* for ever, would become the unalienable property of those heirs in eternal succession. The sole difference is this—that an estate, being held for the *benefit of the individual*, is at *his disposal*. All magistracy being held
solely

solely for the benefit of the nation, the nation alone Mr. Rous.
 have *the right to determine* how and by whom it shall
 be exercised. It is a vain attempt to puzzle a
 plain subject, by involving it in moral distinctions,
 which only regard the *exercise* of the right. A man
 who should disinherit a worthy son in favour of a
 worthless stranger would act a most *immoral* part;
 but his *right* to dispose of his property could not
 be questioned. So a nation which should change
 their government, without an adequate motive,
 without a rational prospect of advancing the public
 happiness, would likewise act a most *immoral* part;
 but *their right to judge for themselves*, though not so
 familiar in the *exercise*, is alike unquestionable. This
 distinction between a *right* and its *exercise* is per-
 fectly familiar in the writers on the laws of nations;
 and almost all the *acknowledged rights* of nations,
 in their intercourse with each other, stand on this
 distinction.

You dwell with peculiar complacence on the
 term *necessity*, as applied to our revolution of 1688.
 Is it requisite to observe, that this term imports a
 moral, not a physical, necessity, descriptive of the
 urgent duty on the people to assert and vindicate
 their rights? The abuses of prerogative were the
 evils of that day. Suppose the *old spirit* should
 assume new forms; are not the people, for whose
 benefit all government is instituted, for whom all
 governors act in trust, authorised by the eternal
 laws of God to provide for the public happiness?
 I am asked, perhaps, by what organ their sense of
 this

Mr. Rous.

this duty shall be declared ? An unconnected multitude have great difficulties to encounter in asserting their rights ; and this disadvantage has enabled the few to acquire and abuse their power. The general diffusion of knowledge every day diminishes this evil. Let us teach the people to understand the nature and true end of government, and the awe of their power will probably effect much good, without calling their force into action. If they be greatly oppressed, they will resist—happy if in that resistance their passions will submit to the guidance of enlightened minds !

MRS.

MRS. MACAULAY.

THE liberty that was taken in the year 1688, by a convention of lords and commons, to depose king James the reigning sovereign from the throne, and to vest the sovereignty of the realm in his daughter Mary, and her husband the prince of Orange; and afterwards by the legislature, to pass an act to settle the succession in queen Anne and her issue, and in default of these, in the heirs of king William's body, and in default of these, in the house of Hanover (the protestant descendants of the house of Stuart in the female line); and this to the prejudice not only of king James, but of his son, who had been acknowledged as the lawful heir of his throne; and also to the prejudice of the house of Savoy, who by lineal descent were the next in regular succession; are indeed facts, which *might warrant a plain thinking man* in the opinion, that the present reigning family owe their succession to the choice or assent of the people. But, in Mr. Burke's opinion, these facts are of no weight, "because the whole family of the Stuarts were not entirely left out of the succession, and a native of England advanced to the throne; and because it was declared in the act of succession, that the protestant line drawn from James the first, was absolutely necessary for the security of the realm.

Observations on the
Reflections
of the Right
Hon. Edmund
Burke, &c.

That those individuals of the family of the
Stuarts,

Mrs. Mac-
aulay.

Stuarts, who had never committed any offence against the peace of the country, and whose mode of faith was not injurious to its welfare, should not be set aside in favour of an absolute stranger to the blood, was certainly a *just measure*; and it was certainly *wise* to leave as *few* competitors to the crown as possible, whether on grounds founded in justice, or in mere plausibility. But there was a reason still more forcible for the conduct of the two houses of convention, and afterwards for the parliament in their constitutional capacity; and the reason is this, that *without the prince of Orange, and the assistance of his Dutch army, there could have been no revolution*. For the English nation at large was so little convinced of the *severe and grave necessity* which Mr. Burke talks of, that the people of themselves would never have been roused to have deposed king James; and they regarded all his innovations with such a *constitutional phlegm*, that had this unfortunate monarch possessed the qualities of *firmness, perseverance, or patience*, he must either have been killed by the dark means of *assassination*, or he would have *continued on the throne*.

That the friends of the revolution knew they could not do without the assistance of king William, is plain, by their laying aside the intention of vesting Mary *singly* with the sovereignty, on his declaring that, if this event took place, he would return to Holland, and leave them to themselves.

However strongly the warm friends of freedom might wish that this abstract right of the people,
of

of choosing their own magistrates, and deposing them for ill conduct, had been laid open to the public by a formal declaration of such a right in the acts of succession, this certainly was not a period of time for carrying these wishes into execution. The whole body of the people had swallowed deeply of the *poison* of church policy; *passive obedience*, by their means, had so entirely supplanted the *abstract notion* of the *rights of men*, which prevailed in the opposition to Charles the first; and so desirous were the triumphant party to prevent the revival of such a principle, by which their interests had been affected, that they took care to confound the *only just authority* they had for their conduct, in as great a *mist of words and terms as possible*. Besides, would William, who was the soul of the whole proceeding, have given way to a claim, by which, in the plainest terms, he was bound to his good behaviour?

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aulay.

Mr. Hume justly supposes, that if the revolution had happened one hundred years after it did, it would have been *materially different* in all its circumstances. Instead of thinking with Mr. Burke, that such a plain declaration of the rights of men would have tended to disturb the quiet of the nation, I firmly believe that it would have had a contrary effect; for, in this case, those endless disputes between the *nonjurors*, *tories* and *whigs*, would soon have had an end. For, the question not being involved in that *obscurity*, *contradiction* and *absurdity*, in which it was enveloped by the revolutionists, *truth* and *reason* would

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aulay.

would have resumed their sway; *party jargon* would have been exploded; the people would have given a cheerful obedience to the new government; and that dreadful *necessity* by which sir Robert Walpole excused the introducing a settled *system of corruption* into the administration would never have existed.

When the succession to a crown in one family, or even the possession of private property, owes its origin to the people, most undoubtedly the authority from whence it is derived, attaches itself to the gift as equally in every individual of the family, through the whole line of succession, as in the first possessor. And I can hardly believe, that there was *one* enlightened member who composed part of that legislative body who settled the succession to the throne, could possibly think that body possessed of such a plenitude of power, as should give them a right, not only to *set aside* the regulations of their ancestors, but to *bind their posterity*, to all succeeding generations, in the permanent chains of an unalterable law. Should we once admit of *a power so incompatible with the conditions of humanity*, and only reserved for the dictates of *divine wisdom*, we have not in these enlightened days improved on the politics of the fanatic atheist Hobbes; *for he supposes an original right in the people to choose their governors*; but in exerting this right, the citizen and his posterity for ever lose their native privileges, and become bound through the whole series of generations to the service of a master's will.

We

We will now take into consideration the nature and tendency of the two different compliments which have been paid by Dr. Price and Mr. Burke to his majesty and his successors. Dr. Price, I think, puts their right to government on the *most dignified*, and perhaps, in the event of things, on the *most permanent* footing. But Mr. Burke would have done well to consider, whether such a compliment as he is willing to pay to royalty is at all *proper*, either for the subject to make, or the king to receive. To a weak prince, it would be apt to cancel in his mind *all the obligations* which he owes to the people, and, by flattering him in a *vain* conceit of a mere personal right, tempt him to break those sacred ties which ought to *bind* and *direct* his government. I am apt to believe, that almost *all the vices* of royal administration have principally been occasioned by a *flavish adulation* in the language of their subjects; and to the *shame of the English people* it must be spoken, that none of the enslaved nations in the world address the throne in a more *fulsome* and *hyperbolical* style of submissive flattery.

To a *wise* and a *good* prince, compliments of the same complexion, made and recommended by Mr. Burke, would be *offensive*. He would consider it as taking away the *noblest* and *safest title* by which he possesses his power: he would consider it as acknowledging a kind of *latent* right in other families; and the liberality of his sentiment would incline him to triumph in the opinion, that he was
called

Mrs. Mac-
aulay.

called to government, and *continued* in it, by the *choice* and *confidence* of a free nation.

Mr. Burke seems to adopt *prejudice*, *opinion*, and the powers of the *imagination*, as the *safest* grounds on which *wise* and *good* statesmen can establish or continue the happiness of societies. These have always been imputed by philosophers (a tribe of men whom indeed Mr. Burke affects much to despise) as causes which have produced all that is *vicious* and *foolish* in man, and consequently have been the fruitful source of human *misery*.

Mr. Burke has certainly a fine imagination; but I would not advise either *him* or any of *his admirers* to give *too much* way to such direction; for if from the virtue of our nature it does not lead us into *crimes*, it always involves us in *error*.

The being put into a situation clearly to understand and to obey the *principles of truth*, appears to be the basis of our happiness in this, and our perfection in another world; and the *more* truth is followed and pursued in this dark vale of human ignorance and misery, the *more* we shall *increase* our mundane felicity, and *secure* the blessings of a future existence. *Every opinion* which deviates from *truth*, must ever be a *treacherous* guide; and the more it deviates from it, it becomes the *more dangerous*.

Though a false opinion of the rights and powers of citizens may *enslave* the ductile mind into a state of passive obedience, and thus secure the peace of government; yet in the same degree does it inflate the *pride* and *arrogance* of princes, until all con-
siderations

considerations of *rectitude* give way to *will*, the barriers of personal security are flung down, and thence arises that *tremendous necessity* which must be followed by a state of *violence* and *anarchy*, which Mr. Burke so *justly* dreads. That this is the case, the experience of all societies of men who acknowledge a *power* in their princes *paramount* to all resistance, fully evinces. These societies are obliged often to have recourse to violence and massacre; not indeed to establish any popular rights, but in the way of force, to wreak their vengeance on their tyrants.

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As to the right of *cashiering* or *deposing* monarchs for misgovernment, I cannot possibly agree with Mr. Burke, that in England it only existed in that convention of the two houses in 1688, which exercised this power over king James and his legal successors. But I am clearly of opinion, that it is a right that ought never to be exercised by a people who are satisfied with their form of government, and have spirit enough to correct its abuses; and so far from *condemning* the French nation for not *deposing* or *executing* their king, even though the *strongest presumptions* of the *most atrocious guilt* should have appeared against him, I think, had they elected any other person to that high office, they would have thrown difficulties in the way of their liberty, instead of improving it. But it is the *wisdom*, and not the *folly* of the national assembly, which gives *offence* to their *enemies*; and *forces even Mr. Burke* to contradict, in this instance, the rule which he had

Mrs. Mac-
aulay.

laid down, "That monarchs should not be deposed for misconduct, but only when its criminality is of a kind to render the government totally incompatible with the safety of the people."

As to the right of resistance or deposing monarchs for misgovernment, I cannot possibly agree with Mr. Burke, that in England it only existed in that convention of the two houses in 1688, which exercised this power over king James and his legal successors. But I am clearly of opinion, that it is a right that ought never to be exercised by a people who are furnished with their form of government, and have spirit enough to correct its abuses; and so far from condemning the French nation for not deposing or executing their king, even though the strongest presumptions of the most anxious patriots should have appeared against him, I think, had they elected any other person to that high office, they would have thrown obstacles in the way of their liberty, instead of improving it. But it is the wisdom, and not the folly of the national assembly, which gives effect to their exertions; and for ever from Mr. Burke to contradict, in this instance, the rule which he had laid

RIGHTS

R I G H T S o f M A N .

MR. B U R K E.

YOU will smile here at the consistency of the democratists of France, who, when they are not on their guard, treat the humbler part of the community with the greatest contempt, whilst, at the same time, they pretend to make them the depositories of all power. It would require a long discourse to point out to you the many fallacies that lurk in the generality and equivocal nature of the terms “inadequate representation.” I shall only say here, in justice to that old-fashioned constitution under which we have long prospered, that our representation has been found perfectly adequate to all the purposes for which a representation of the people can be desired or devised. I defy the enemies of our constitution to shew the contrary. To detail the particulars in which it is found so well to promote its ends, would demand a treatise on our practical constitution. I state here the doctrine of the revolutionists, only that you and others may see what an opinion these gentlemen entertain of the constitution of their country, and why they seem to think that

Reflections
on the Re-
volution
in France,
&c.

Mr. Burke.

some great abuse of power, or some great calamity, as giving a chance for the blessing of a constitution according to their ideas, would be much palliated to their feelings. You see *why they* are so much enamoured of your fair and equal representation, which being once obtained, the same effects might follow. You see they consider our house of commons as only “a semblance,” “a form,” “a theory,” “a shadow,” “a mockery,” perhaps “a nuisance.”

These gentlemen value themselves on being systematic; and not without reason. They must therefore look on this gross and palpable defect of representation, this fundamental grievance (so they call it), as a thing not only vicious in itself, but as rendering our whole government absolutely *illegitimate*, and not at all better than a downright *usurpation*. Another revolution, to get rid of this illegitimate and usurped government, would of course be perfectly justifiable, if not absolutely necessary. Indeed their principle, if you observe it with any attention, goes much further than to an alteration in the election of the house of commons; for, if popular representation, or choice, is necessary to the *legitimacy* of all government, the house of lords is, at one stroke, bastardised and corrupted in blood. That house is no representative of the people at all, even in “semblance or in form.” The case of the crown is altogether as bad. In vain the crown may endeavour to screen itself against these gentlemen by the authority of the establishment

establishment made on the revolution. The revolution, which is resorted to for a title, on their system, wants a title itself. The revolution is built, according to their theory, upon a basis not more solid than our present formalities, as it was made by an house of lords not representing any one but themselves; and by an house of commons exactly such as the present, that is, as they term it, by a mere "shadow and mockery" of representation.

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Something they must destroy, or they seem to themselves to exist for no purpose. One set is for destroying the civil power through the ecclesiastical; another, for demolishing the ecclesiastical through the civil. They are aware that the worst consequences might happen to the public in accomplishing this double ruin of church and state; but they are so heated with their theories, that they give more than hints, that this ruin, with all the mischiefs that must lead to it and attend it, and which to themselves appear quite certain, would not be unacceptable to them, or very remote from their wishes. A man amongst them of great authority, and certainly of great talents, speaking of a supposed alliance between church and state, says, "*perhaps we must wait for the fall of the civil powers* before this most unnatural alliance be broken. Calamitous no doubt will that time be. But what convulsion in the political world ought to be a subject of lamentation, if it be attended with so desirable an effect?"

Mr. Burke. You see with what a steady eye these gentlemen are prepared to view the greatest calamities which can befall their country!

It is no wonder therefore, that with these ideas of every thing in their constitution and government at home, either in church or state, as illegitimate and usurped, or at best as a vain mockery, they look abroad with an eager and passionate enthusiasm. Whilst they are possessed by these notions, it is vain to talk to them of the practice of their ancestors, the fundamental laws of their country, the fixed form of a constitution whose merits are confirmed by the solid test of long experience, and an increasing public strength and national prosperity. They despise experience, as the wisdom of unlettered men; and as for the rest, they have wrought under-ground a mine that will blow up at one grand explosion all examples of antiquity, all precedents, charters, and acts of parliament. They have "the rights of men." Against these there can be no prescription; against these no agreement is binding: these admit no temperance, and no compromise: any thing withheld from their full demand is so much of fraud and injustice. Against these their rights of men let no government look for security in the length of its continuance, or in the justice and lenity of its administration. The objections of these speculatists, if its forms do not quadrate with their theories, are as valid against such an old and beneficent government as against the most violent tyranny,

or the greenest usurpation. They are always at issue with governments, not on a question of abuse, but a question of competency, and a question of title. I have nothing to say to the clumsy subtilty of their political metaphysics. Let them be their amusement in the schools——“ *Illa se*
“ jactet in aula—Æolus et clauso ventorum carcere
“ regnet.” But let them not break prison to burst like a *Levanter*, to sweep the earth with their hurricane, and to break up the fountains of the great deep to overwhelm us.

Far am I from denying in theory, full as far is my heart from withholding in practice (if I were of power to give or to withhold), the *real* rights of men. In denying their false claims of right, I do not mean to injure those which are real, and are such as their pretended rights would totally destroy. If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right to live by that rule; they have a right to justice, as between their fellows, whether their fellows are in politic function or in ordinary occupation. They have a right to the fruits of their industry, and to the means of making their industry fruitful. They have a right to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation in death. Whatever each man can separately

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do, without trespassing upon others, he has a right to do for himself; and he has a right to a fair portion of all which society, with all its combinations of skill and force, can do in his favour. In this partnership all men have equal rights; but not to equal things. He that has but five shillings in the partnership, has as good a right to it, as he that has five hundred pounds has to his larger proportion. But he has not a right to an equal dividend in the product of the joint stock; and as to the share of power, authority, and direction which each individual ought to have in the management of the state, that I must deny to be amongst the direct original rights of man in civil society; for I have in my contemplation the civil social man, and no other. It is a thing to be settled by convention.

If civil society be the offspring of convention, that convention must be its law. That convention must limit and modify all the descriptions of constitution which are formed under it. Every sort of legislative, judicial, or executory power are its creatures. They can have no being in any other state of things; and how can any man claim, under the conventions of civil society, rights which do not so much as suppose its existence? rights which are absolutely repugnant to it? One of the first motives to civil society, and which becomes one of its fundamental rules, is, *that no man should be judge in his own cause.* By this each person has at once divested himself of
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the first fundamental right of uncovenanted man, that is, to judge for himself, and to assert his own cause. He abdicates all right to be his own governor. He inclusively, in a great measure, abandons the right of self-defence, the first law of nature. Men cannot enjoy the rights of an uncivil and of a civil state together. That he may obtain justice, he gives up his right of determining what it is in points the most essential to him. That he may secure some liberty, he makes a surrender in trust of the whole of it. Mr. Burke.

Government is not made in virtue of natural rights, which may and do exist in total independence of it; and exist in much greater clearness, and in a much greater degree of abstract perfection: but their abstract perfection is their practical defect. By having a right to every thing they want every thing. Government is a contrivance of human wisdom to provide for human wants. Men have a right that these wants should be provided for by this wisdom. Among these wants is to be reckoned the want, out of civil society, of a sufficient restraint upon their passions. Society requires not only that the passions of individuals should be subjected, but that even in the mass and body, as well as in the individuals, the inclinations of men should frequently be thwarted, their will controlled, and their passions brought into subjection. This can only be done *by a power out of themselves*; and not, in the exercise of its function, subject to that will and to those passions which

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which it is its office to bridle and subdue. In this sense the restraints on men, as well as their liberties, are to be reckoned among their rights. But as the liberties and the restrictions vary with times and circumstances, and admit of infinite modifications, they cannot be settled upon any abstract rule; and nothing is so foolish as to discuss them upon that principle.

The moment you abate any thing from the full rights of men, each to govern himself, and suffer any artificial positive limitation upon those rights, from that moment the whole organization of government becomes a consideration of convenience. This it is which makes the constitution of a state, and the due distribution of its powers, a matter of the most delicate and complicated skill. It requires a deep knowledge of human nature and human necessities, and of the things which facilitate or obstruct the various ends which are to be pursued by the mechanism of civil institutions. The state is to have recruits to its strength, and remedies to its distempers. What is the use of discussing a man's abstract right to food or to medicine? The question is upon the method of procuring and administering them. In that deliberation I shall always advise to call in the aid of the farmer and the physician, rather than the professor of metaphysics.

The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *à priori*. Nor is it a short experience that can instruct us in
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that practical science; because the real effects of moral causes are not always immediate; but that which in the first instance is prejudicial, may be excellent in its remoter operation; and its excellence may arise even from the ill effects it produces in the beginning. The reverse also happens, and very plausible schemes, with very pleasing commencements, have often shameful and lamentable conclusions. In states there are often some obscure and almost latent causes, things which appear at first view of little moment, on which a very great part of its prosperity or adversity may most essentially depend. The science of government being therefore so practical in itself, and intended for such practical purposes, a matter which requires experience, and even more experience than any person can gain in his whole life, however sagacious and observing he may be, it is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society, or on building it up again, without having models and patterns of approved utility before his eyes.

These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are by the laws of nature refracted from their straight line. Indeed, in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk of them as if they continued in the simplicity

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city of their original direction. The nature of man is intricate; the objects of society are of the greatest possible complexity; and therefore no simple disposition or direction of power can be suitable either to man's nature, or to the quality of his affairs. When I hear the simplicity of contrivance aimed at and boasted of in any new political constitutions, I am at no loss to decide that the artificers are grossly ignorant of their trade, or totally negligent of their duty. The simple governments are fundamentally defective, to say no worse of them. If you were to contemplate society in but one point of view, all these simple modes of polity are infinitely captivating. In effect, each would answer its single end much more perfectly than the more complex is able to attain all its complex purposes. But it is better that the whole should be imperfectly and anomalously answered, than that, while some parts are provided for with great exactness, others might be totally neglected, or perhaps materially injured by the over-care of a favourite member.

The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of *middle*, incapable of definition, but not impossible to be discerned. The rights of men in governments are their advantages, and these are often in balances between differences of good; in compromises sometimes between good and evil, and sometimes between evil and evil. Political reason is a computing principle;

principle; adding, subtracting, multiplying, and dividing, morally, and not metaphysically or mathematically, true moral denominations. Mr. Burke.

By these theorists the right of the people is almost always sophistically confounded with their power. The body of the community, whenever it can come to act, can meet with no effectual resistance; but, till power and right are the same, the whole body of them has no right inconsistent with virtue, and the first of all virtues, prudence. Men have no right to what is not reasonable, and to what is not for their benefit; for though a pleasant writer said, *Liceat perire poetis*, when one of them, in cold blood, is said to have leaped into the flames of a volcanic revolution—*ardentem frigidus Ætnam insiluit*—I consider such a frolic rather as an unjustifiable poetic license, than as one of the franchises of Parnassus; and whether he were poet, or divine, or politician, that chose to exercise this kind of right, I think that more wise, because more charitable thoughts would urge me rather to save the man, than to preserve his brazen slippers as the monuments of his folly.

This distemper of remedy, grown habitual, relaxes and wears out, by a vulgar and prostituted use, the spring of that spirit which is to be exerted on great occasions. It was in the most patient period of Roman servitude that themes of tyrannicide made the ordinary exercise of boys at school—*cum perimit sævos classis numerosa tyrannos*. In the ordinary state of things, it produces in a country like
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Mr. Burke. ours the worst effects, even on the cause of that liberty which it abuses with the dissoluteness of an extravagant speculation. Almost all the high-bred republicans of my time have, after a short space, become the most decided, thorough-paced courtiers; they soon left the business of a tedious, moderate, but practical resistance, to those of us whom, in the pride and intoxication of their theories, they have slighted as not much better than Tories. Hypocrisy of course delights in the most sublime speculations; for, never intending to go beyond speculation, it costs nothing to have it magnificent. But even in cases where rather levity than fraud was to be suspected in these ranting speculations, the issue has been much the same. These professors, finding their extreme principles not applicable to cases which call only for a qualified, or, as I may say, civil and legal resistance, in such cases employ no resistance at all. It is with them a war or a revolution, or it is nothing. Finding their schemes of politics not adapted to the state of the world in which they live, they often come to think lightly of all public principle; and are ready, on their part, to abandon for a very trivial interest what they find of very trivial value. Some indeed are of more steady and persevering natures; but these are eager politicians out of parliament, who have little to tempt them to abandon their favourite projects. They have some change in the church or state, or both, constantly in their view. When that is the case, they are always bad citizens, and perfectly
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unfure connexions. For, considering their speculative designs as of infinite value, and the actual arrangement of the state as of no estimation, they are at best indifferent about it. They see no merit in the good, and no fault in the vicious management of public affairs; they rather rejoice in the latter, as more propitious to revolution. They see no merit or demerit in any man, or any action, or any political principle, any further than as they may forward or retard their design of change: they therefore take up one day the most violent and stretched prerogative, and another time the wildest democratic ideas of freedom, and pass from the one to the other without any sort of regard to cause, to person, or to party.

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In France you are now in the crisis of a revolution; and in the transit from one form of government to another, you cannot see that character of men exactly in the same situation in which we see it in this country. With us it is militant—with you it is triumphant; and you know how it can act when its power is commensurate to its will. I would not be supposed to confine those observations to any description of men, or to comprehend all men of any description within them—no; far from it. I am as incapable of that injustice, as I am of keeping terms with those who profess principles of extremes; and who, under the name of religion, teach little else than wild and dangerous politics. The worst of these politics of revolution is this, they temper and harden the breast, in order to prepare it

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it for the desperate strokes which are sometimes used in extreme occasions. But as these occasions may never arrive, the mind receives a gratuitous taint; and the moral sentiments suffer not a little, when no political purpose is served by the depravation. This sort of people are so taken up with their theories about the rights of man, that they have totally forgot his nature. Without opening one new avenue to the understanding, they have succeeded in stopping up those that lead to the heart. They have perverted in themselves, and in those that attend to them, all the well-placed sympathies of the human breast.

Mr.

MR. MACKINTOSH.

THE principle of theory which has actuated the legislators of France has been, that the object of all legitimate government is the assertion and protection of the *natural rights of man*. They cannot indeed be absolved of some deviations * from the path prescribed by this great principle; few, indeed, compared with those of any other body of whom history has preserved any record; but too many for their own glory, and for the happiness of the human race. This principle, however, is the basis of their edifice; and if it be false, the structure must fall to the ground. Against this principle, therefore, Mr. Burke has with great judgment directed his attack. Appeals to natural right are, according to him, inconsistent and preposterous. A complete abdication and surrender of all natural right is made by man in entering into society, and the only rights which he retains are *created* by the compact which holds together the society of which he is member. This doctrine he thus explicitly asserts:—"The moment," says he, "you abate any thing from the full rights of men

Vindiciæ
Gallicæ.

* I particularly allude to their colonial policy; but I think it candid to say, that I see in their full force the difficulties of that embarrassing business.

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“ each to govern himself, and suffer any artificial
 “ positive limitation on those rights, from that mo-
 “ ment the whole organization of society becomes a
 “ consideration of convenience. How can any man
 “ claim under the conventions of civil society
 “ rights which do not so much as suppose its ex-
 “ istence—rights which are absolutely repugnant
 “ to it ?” To examine this doctrine, therefore, is
 of fundamental importance. To this effect it is
 not necessary to enter on any elaborate research
 into the metaphysical principles of politics and
 ethics. A full discussion of the subject would in-
 deed demand such an investigation *. The origin
 of natural rights must have been illustrated, and
 even their existence proved against some theorists.
 But such an enquiry would have been inconsistent
 with the nature of a publication, of which the ob-
 ject was to enforce conviction on the people. We
 are besides absolved from the necessity of it in a
 controversy with Mr. Burke, who himself recog-
 nizes, in the most ample form, the existence of those
 natural rights.

* It might, perhaps, not be difficult to prove, that far from
 a *surrender*, there is not even a *diminution* of the natural rights
 of men by their entrance into society. The existence of some
 union with greater or less permanence and perfection of public
 force for public protection (*the essence of government*) might be
 demonstrated to be coeval and coextended with man. All
 theories, therefore, which suppose the *actual existence* of any
 state antecedent to the social, might be convicted of futility
 and falsehood.

Granting

Granting their existence, the discussion is short. Mr. Mack-
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 The only criterion by which we can estimate the portion of natural right surrendered by man on entering into society is the *object* of the surrender. If more is claimed than that object exacts, it becomes not an *object*, but a *pretext*. Now the *object* for which a man resigns any portion of his natural sovereignty over his own actions is, that he may be protected from the *abuse* of the same dominion in other men. No greater sacrifice is therefore necessary than is prescribed by this object, the resignation of *powers* that in their exercise might be injurious to *another*. Nothing, therefore, can be more fallacious than to pretend, that we are precluded in the social state from *any* appeal to natural right. It remains in its full integrity and vigour, if we except that *portion* of it which men mutually sacrifice for protection against each other. They do not surrender all ; that is not exacted by the object they have in view ; and whatever government, under *pretence* of that surrender of natural right which is made for mutual security, assumes more than that object *rigorously* prescribes, is an usurpation supported by sophistry, a despotism varnished by illusion. It follows from this principle, that the surrender of right must be *equal* in all the members of society, as the object is to all precisely the same. In effect, society, instead of destroying, realizes and substantiates equality. In a state of *nature*, the equality of right is an impotent theory,

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which inequalities of strength and skill every moment violate. It is called into energy and effect only by society. As natural equality is not contested, and that the sum of right surrendered by every individual is equal, it cannot be denied that the remnant spared by the social compact must be equal also. *Civil* inequalities, or, more correctly, civil distinction, must exist in the social body, because it must possess organs destined for different functions. But political inequality is equally inconsistent with the principles of natural right and the object of civil institution *.

Men retain a right to a share in their own government, because the exercise of the right by one man is not inconsistent with its possession by another, which is evidently the only case where the surrender of a natural right can be exacted by society.

This doctrine is not more abstractly evident than it is practically important. The slightest deviation from it legitimates every tyranny. If the only criterion of governments be the supposed *convention* which forms them, *all* are equally legitimate; for the only interpreter of the convention is the usage of the government, which is thus preposterously made

* “ But as to the share of power, authority, and direction
“ which each individual ought to have in the management of
“ a state, that I must deny to be among the direct original
“ rights of man in civil society.” This is evidently denying
the existence of what has been called *political*, in contradistinction to *civil* liberty.

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its own standard. Governors must, indeed, abide by the maxims of the constitution they administer; but what the constitution is, must be on this system immaterial. The king of France it does not, indeed, permit to put out the eyes of the princes of the blood, nor the sopher of Persia to have recourse to *lettres de cachet*. They must tyrannize by precedent, and oppress in reverent imitation of the models consecrated by the usage of despotic predecessors. But if they adhere to these, there is no remedy for the oppressed, since an appeal to the rights of nature were treason against the principles of the social union. If, indeed, any offence against *precedent*, in the kind or degree of oppression, be committed, this theory may (though most inconsistently) permit resistance. But as long as the *forms* of any government are preserved, it possesses in a view of *justice* (whatever be its nature) equal claims to obedience. This inference is irresistible; and it is *thus* evident, that the doctrines of Mr. Burke are doubly refuted by the fallacy of the logic which supports them, and the absurdity of the conclusions to which they lead.

They are also virtually contradicted by the laws of all nations. Were his opinion true, the language of laws should be *permissive*, not *restrictive*. Had men surrendered all their rights into the hands of the magistrate, the object of laws should have been to announce the portion he was pleased to return them, not the part of which he is compelled

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to deprive them. The criminal code of all nations consists of *prohibitions*; and whatever is not prohibited by the law, men every where conceive themselves entitled to do with impunity. They act on the principle which this language of law teaches them, that they retain rights which no power can impair or infringe, which are not the boon of society, but the attribute of their nature. The rights of magistrates and public officers are truly the creatures of society. They, therefore, are guided not by what the law does not *prohibit*, but by what it authorizes or enjoins. Were the rights of citizens equally created by social institution, the language of the civil code would be similar, and the obedience of subjects would have the same limits.

This doctrine, thus false in its principles, absurd in its conclusions, and contradicted by the avowed sense of mankind, is even abandoned by Mr. Burke himself. He is betrayed into a confession directly repugnant to his general principle :—" Whatever
 " each man can do without trespassing on others,
 " he has a *right* to do for himself; and he has a *right*
 " to a *fair portion* of *all* that society, with all its
 " combinations of skill and force, can do for him."
 Either this right is universal, or it is not. If it be universal, it cannot be the offspring of convention; for conventions must be as various as forms of government, and there are many of them which do not recognize this right, nor place man in this condition of just equality. All governments, for example,

ample, which tolerate slavery neglect this right; for a slave is neither entitled to the fruits of his own industry, nor to any portion of what the combined force and skill of society produce. If it be not universal, it is no right at all; and it can only be called a *privilege* accorded by some governments, and withheld by others. I can discern no mode of escaping from this dilemma, but the avowal that these civil claims are the remnant of those *metaphysic* rights which Mr. Burke holds in such abhorrence, but which it seems the more natural object of society to protect than destroy.

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intosh.

But it may be urged, that though all appeals to the natural rights of men be not precluded by the social compact, though their integrity and perfection in the civil state may *theoretically* be admitted; yet as men unquestionably may refrain from the exercise of their rights, if they think their exertion unwise; and as government is not a scientific subtlety, but a *practical* expedient for general good, all recourse to these elaborate abstractions is frivolous and futile, and the grand question in government is not its source, but its tendency; not a question of right, but a consideration of expediency. Political forms, it may be added, are only the *means* of ensuring a certain portion of public felicity. If the *end* be confessedly obtained, all discussion of the theoretical aptitude of the *means* to produce it is nugatory and redundant.

To this I answer, *first*, that such reasoning will prove too much, and that, taken in its proper ex-

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tent, it impeaches the great system of morals, of which political principles form only a part. All morality is, no doubt, founded on a broad and general expediency—" *Ipsa utilitas justi prope mater* " & *æqui*," may be safely adopted, without the reserve dictated by the timid and inconstant philosophy of the poet. Justice is expediency; but it is expediency, speaking by general maxims, into which reason has concentrated the experience of mankind. Every general principle of justice is demonstrably expedient, and it is this utility alone that confers on it a moral obligation. But it would be fatal to the existence of morality, if the utility of every *particular act* were to be the subject of deliberation in the mind of every moral agent. A general moral maxim is to be obeyed, even if the inutility is evident, because the precedent of deviating more than balances any utility that may exist in the particular deviation. Political first principles are of this description. They are only moral principles adapted to the civil union of men. When I assert that a man has a right to life, liberty, &c. I only mean to enunciate a *moral maxim* founded on *general interest*, which prohibits any attack on these possessions. In this primary and radical sense, all rights, natural as well as civil, arise from expediency. But the moment the moral edifice is reared, its basis is hid from the eye for ever. The moment these maxims, which are founded on an utility that is paramount and perpetual, are embodied and consecrated, they cease to yield to partial
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and subordinate expediency. It then becomes the perfection of virtue to consider, not whether an action be useful, but whether it be right.

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The same necessity for the substitution of general maxims exists in politics as in morals. These precise and inflexible principles, which yield neither to the seductions of passion nor the suggestion of interest, ought to be the guide of public as well as private morals.—Acting according to the natural rights of men, is only another expression for acting according to those *general maxims of social morals* which prescribe what is *right and fit* in human intercourse. We have proved that the social compact does not alter these maxims, or destroy these rights; and it incontestably follows, from the same principles which guide all morality, that no expediency can justify their infraction.

The inflexibility of general principles is, indeed, perhaps more necessary in political morals than in any other class of actions. If the consideration of expediency be admitted, the question recurs, who are to judge of it? They are never the *many*, whose interest is at stake: they cannot judge, and no appeal to them is hazarded. They are the *few*, whose interest is linked to the perpetuity of oppression and abuse. Surely that judge ought to be bound down by the strictest rules, who is undeniably interested in the decision; and he would scarcely be esteemed a wise legislator, who should vest in the next heir to a lunatic a discretionary power to judge of his
sanity

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sanity or derangement. Far more necessary then is the obedience to general principles, and the maintenance of natural rights, in politics than in the morality of common life. The moment that the slenderest infraction of these rights is permitted for motives of *convenience*, the bulwark of all upright politics is lost. If a small convenience will justify a little infraction, a greater pretended convenience will expiate a bolder violation. The Rubicon is past. Tyrants never seek in vain for sophists. Pretences are multiplied without difficulty and without end. Nothing, therefore, but an inflexible adherence to the principles of general right can preserve the purity, consistency, and stability of a free state.

We have thus vindicated the first theoretical principle of French legislation. The doctrine of an absolute surrender of natural rights by civil and social man, has appeared to be deduced from inadequate premises ; and to conduct to absurd conclusions, to sanctify the most atrocious despotism, to outrage the most avowed convictions of men, and finally to be abandoned, as hopelessly untenable by its author. The existence and perfection of these rights being proved, the first duty of lawgivers and magistrates is to assert and protect them. Most wisely and auspiciously then did France commence her regenerating labours with a solemn declaration of these sacred, inalienable, and imprescriptible rights—a declaration which must

must be to the citizen the monitor of his duties, as well as the oracle of his rights; by a perpetual recurrence to which the deviations of the magistrate are to be checked, the tendency of power to abuse corrected, and every political proposition (being compared with the *end* of society) correctly and dispassionately estimated.

Mr. Mack-
intosh.

Mr.

MR. P A I N E.

Rights of
Man.

BEFORE any thing can be reasoned upon to a conclusion, certain facts, principles, or data, to reason from, must be established, admitted, or denied. Mr. Burke, with his usual outrage, abuses the *declaration of the rights of man*, published by the national assembly of France as the basis on which the constitution of France is built. This he calls “paltry and blurred sheets of paper about the rights of man.”—Does Mr. Burke mean to deny that *man* has any rights? If he does, then he must mean that there are no such things as rights any where, and that he has none himself; for who is there in the world but man? But if Mr. Burke means to admit that man has rights, the question then will be, What are those rights, and how came man by them originally?

The error of those who reason by precedents drawn from antiquity, respecting the rights of man, is, that they do not go far enough into antiquity. They do not go the whole way. They stop in some of the intermediate stages of an hundred or a thousand years, and produce what was then done as a rule for the present day. This is no authority at all. If we travel still farther into antiquity, we shall find a direct contrary opinion and practice prevailing; and if antiquity is to be authority, a thousand such authorities may be produced, successively

cessively contradicting each other : but if we proceed on, we shall at last come out right; we shall come to the time when man came from the hand of his Maker. What was he then? Man. Man was his high and only title, and a higher cannot be given him.—But of titles I shall speak hereafter.

Mr. Paine.

We are now got at the origin of man, and at the origin of his rights. As to the manner in which the world has been governed from that day to this, it is no farther any concern of ours than to make a proper use of the errors or the improvements which the history of it presents. Those who lived a hundred or a thousand years ago, were then moderns as we are now. They had *their* ancients, and those ancients had others, and we also shall be ancients in our turn. If the mere name of antiquity is to govern in the affairs of life, the people who are to live an hundred or a thousand years hence, may as well take us for a precedent, as we make a precedent of those who lived an hundred or a thousand years ago. The fact is, that portions of antiquity, by proving every thing, establish nothing. It is authority against authority all the way, till we come to the divine origin of the rights of man at the creation. Here our enquiries find a resting-place, and our reason finds a home. If a dispute about the rights of man had arose at the distance of an hundred years from the creation, it is to this source of authority they must have referred,

and

Mr. Paine. and it is to the same source of authority that we must now refer.

Though I mean not to touch upon any sectarian principle of religion, yet it may be worth observing, that the genealogy of Christ is traced to Adam. Why then not trace the rights of man to the creation of man? I will answer the question. Because there have been an upstart of governments, thrusting themselves between, and presumptuously working to *un-make* man.

If any generation of men ever possessed the right of dictating the mode by which the world should be governed for ever, it was the first generation that existed; and if that generation did not do it, no succeeding generation can shew any authority for doing it, nor set any up. The illuminating and divine principle of the equal rights of man (for it has its origin from the Maker of man) relates not only to the living individuals, but to generations of men succeeding each other. Every generation is equal in rights to the generations which preceded it, by the same rule that every individual is born equal in rights with his cotemporary.

Every history of the creation, and every traditional account, whether from the lettered or unlettered world, however they may vary in their opinion or belief of certain particulars, all agree in establishing one point, *the unity of man*; by which I mean that man is all of *one degree*, and consequently

quently that all men are born equal, and with equal natural rights, in the same manner as if posterity had been continued by *creation* instead of *generation*, the latter being only the mode by which the former is carried forward ; and consequently, every child born into the world must be considered as deriving its existence from God. The world is as new to him as it was to the first man that existed, and his natural right in it is of the same kind.

Mr. Paine.

The Mosaic account of the creation, whether taken as divine authority, or merely historical, is fully up to this point, *the unity or equality of man*. The expressions admit of no controversy. “ And “ God said, Let us make man in our own image. “ In the image of God created he him ; male and “ female created he them.” The distinction of sexes is pointed out, but no other distinction is even implied. If this be not divine authority, it is at least historical authority, and shews that the equality of man, so far from being a modern doctrine, is the oldest upon record.

It is also to be observed, that all the religions known in the world are founded, so far as they relate to man, on the *unity of man*, as being all of one degree. Whether in heaven or in hell, or in whatever state man may be supposed to exist hereafter, the good and the bad are the only distinctions. Nay, even the laws of governments are obliged to slide into this principle, by making degrees to consist in crimes, and not in persons.

It is one of the greatest of all truths, and of the highest

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highest advantage to cultivate. By considering man in this light, and by instructing him to consider himself in this light, it places him in a close connection with all his duties, whether to his Creator, or to the creation of which he is a part; and it is only when he forgets his origin, or, to use a more fashionable phrase, his *birth and family*, that he becomes dissolute. It is not among the least of the evils of the present existing governments in all parts of Europe, that man, considered as man, is thrown back to a vast distance from his Maker, and the artificial chasm filled up by a succession of barriers, or a sort of turnpike gates, through which he has to pass. I will quote Mr. Burke's catalogue of barriers that he has set up between man and his Maker. Putting himself in the character of a herald, he says—"We fear God—we look with *awe* "to kings—with affection to parliaments—with "duty to magistrates—with reverence to priests—"and with respect to nobility." Mr. Burke has forgot to put in "*chivalry*." He has also forgot to put in Peter.

The duty of man is not a wilderness of turnpike gates, through which he is to pass by tickets from one to the other. It is plain and simple, and consists but of two points: his duty to God, which every man must feel; and with respect to his neighbour, to do as he would be done by. If those to whom power is delegated do well, they will be respected; if not, they will be despised: and with regard to those to whom no power is delegated,
but

but who assume it, the rational world can know nothing of them. Mr. Paine.

Hitherto we have spoken only (and that but in part) of the natural rights of man. We have now to consider the civil rights of man, and to shew how the one originates out of the other. Man did not enter into society to become *worse* than he was before, nor to have less rights than he had before, but to have those rights better secured. His natural rights are the foundation of all his civil rights. But in order to pursue this distinction with more precision, it will be necessary to mark the different qualities of natural and civil rights.

A few words will explain this. Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. — Civil rights are those which appertain to man in right of his being a member of society. Every civil right has for its foundation some natural right pre-existing in the individual, but to which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection.

From this short review, it will be easy to distinguish between that class of natural rights which man retains after entering into society, and those which he throws into common stock as a member of society.

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The natural rights which he retains, are all those in which the *power* to execute is as perfect in the individual as the right itself. Among this class, as is before mentioned, are all the intellectual rights, or rights of the mind : consequently, religion is one of those rights. The natural rights which are not retained, are all those in which, though the right is perfect in the individual, the power to execute them is defective. They answer not his purpose. A man, by natural right, has a right to judge in his own cause ; and so far as the right of the mind is concerned, he never surrenders it : but what availeth it him to judge, if he has not power to redress ? He therefore deposits this right in the common stock of society, and takes the arm of society, of which he is a part, in preference and in addition to his own. Society *grants* him nothing. Every man is a proprietor in society, and draws on the capital as a matter of right.

From those premises two or three certain conclusions will follow.

First, That every civil right grows out of a natural right ; or, in other words, is a natural right exchanged.

Secondly, That civil power, properly considered as such, is made up of the aggregate of that class of the natural rights of man, which becomes defective in the individual in point of power, and answers not his purpose ; but, when collected to a focus, becomes competent to the purpose of every one.

Thirdly,

Thirdly, That the power produced from the aggregate of natural rights, imperfect in power in the individual, cannot be applied to invade the natural rights which are retained in the individual, and in which the power to execute is as perfect as the right itself.

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We have now, in a few words, traced man from a natural individual to a member of society, and shewn, or endeavoured to shew, the quality of the natural rights retained, and of those which are exchanged for civil rights. Let us now apply those principles to governments.

In casting our eyes over the world, it is extremely easy to distinguish the governments which have arisen out of society, or out of the social compact, from those which have not: but to place this in a clearer light than what a single glance may afford, it will be proper to take a review of the several sources from which governments have arisen, and on which they have been founded.

They may be all comprehended under three heads. First, superstition. Secondly, power. Thirdly, the common interest of society, and the common rights of man.

The first was a government of priestcraft, the second of conquerors, and the third of reason.

When a set of artful men pretended, through the medium of oracles, to hold intercourse with the Deity, as familiarly as they now march up the back-stairs in European courts, the world was completely under the government of superstition. The oracles

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were consulted, and whatever they were made to say, became the law; and this sort of government lasted as long as this sort of superstition lasted.

After these a race of conquerors arose, whose government, like that of William the conqueror, was founded in power, and the sword assumed the name of a sceptre. Governments thus established, last as long as the power to support them lasts; but that they might avail themselves of every engine in their favour, they united fraud to force, and set up an idol which they called *divine right*, and which, in imitation of the pope, who affects to be spiritual and temporal, and in contradiction to the founder of the christian religion, twisted itself afterwards into an idol of another shape, called *church and state*. The key of St. Peter, and the key of the treasury, became quartered on one another, and the wondering cheated multitude worshipped the invention.

When I contemplate the natural dignity of man; when I feel (for Nature has not been kind enough to me to blunt my feelings) for the honour and happiness of its character, I become irritated at the attempt to govern mankind by force and fraud, as if they were all knaves and fools, and can scarcely avoid disgust at those who are thus imposed upon.

It has been thought a considerable advance towards establishing the principles of freedom, to say, that government is a compact between those who govern and those who are governed: but this cannot be true, because it is putting the effect before
tho

the cause; for as man must have existed before governments existed, there necessarily was a time when governments did not exist, and consequently there could originally exist no governors to form such a compact with. The fact therefore must be, that the *individuals themselves*, each in his own personal and sovereign right, *entered into a compact with each other* to produce a government: and this is the only mode in which governments have a right to arise, and the only principle on which they have a right to exist.

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The national assembly of France, instead of vindictive proclamations, as has been the case with other governments, published a DECLARATION of the RIGHTS of MAN, as the basis on which the new constitution was to be built, and which is here subjoined.

DECLARATION OF RIGHTS, &c. &c.

‘ I. Men are born and always continue free, and equal in respect of their rights. Civil distinctions, therefore, can be founded only on public utility.

‘ II. The end of all political associations is the preservation of the natural and imprescriptible rights of man; and these rights are liberty, property, security, and resistance of oppression.

‘ III. The nation is essentially the source of all sovereignty; nor can any INDIVIDUAL, or ANY BODY OF MEN, be entitled to any authority which is not expressly derived from it.

‘ IV. Political liberty consists in the power of

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‘ doing whatever does not injure another. The
 ‘ exercise of the natural rights of every man, has
 ‘ no other limits than those which are necessary
 ‘ to secure to every *other* man the free exercise of
 ‘ the same rights; and these limits are determin-
 ‘ able only by the law.

‘ V. The law ought to prohibit only actions
 ‘ hurtful to society. What is not prohibited by
 ‘ the law, should not be hindered; nor should any
 ‘ one be compelled to that which the law does not
 ‘ require.

‘ VI. The law is an expression of the will of
 ‘ the community. All citizens have a right to
 ‘ concur, either personally or by their representa-
 ‘ tives, in its formation. It should be the same to
 ‘ all, whether it protects or punishes; and *all*
 ‘ *being equal in its sight, are equally eligible to all*
 ‘ *honours, places, and employments, according to their*
 ‘ *different abilities, without any other distinction than*
 ‘ *that created by their virtues and talents.*

‘ VII. No man should be accused, arrested, or
 ‘ held in confinement, except in cases determined
 ‘ by the law, and according to the forms which it
 ‘ has prescribed. All who promote, solicit, exe-
 ‘ cute, or cause to be executed, arbitrary orders,
 ‘ ought to be punished; and every citizen called
 ‘ upon or apprehended by virtue of the law, ought
 ‘ immediately to obey, and renders himself cul-
 ‘ pable by resistance.

‘ VIII. The law ought to impose no other
 ‘ penalties than such as are absolutely and evi-
 ‘ dently

‘ dently necessary : and no one ought to be pu-
 ‘ nished, but in virtue of a law promulgated before
 ‘ the offence, and legally applied.

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‘ IX. Every man being presumed innocent till
 ‘ he has been convicted, whenever his detention
 ‘ becomes indispensable, all rigour to him, more
 ‘ than is necessary to secure his person, ought to
 ‘ be provided against by the law.

‘ X. No man ought to be molested on account
 ‘ of his opinions, not even on account of his *reli-*
 ‘ gious opinions, provided his avowal of them
 ‘ does not disturb the public order established by
 ‘ the law.

‘ XI. The unrestrained communication of
 ‘ thoughts and opinions being one of the most
 ‘ precious rights of man, every citizen may speak,
 ‘ write, and publish freely, provided he is respon-
 ‘ sible for the abuse of this liberty in cases deter-
 ‘ mined by the law.

‘ XII. A public force being necessary to give
 ‘ security to the rights of men and of citizens, that
 ‘ force is instituted for the benefit of the commu-
 ‘ nity, and not for the particular benefit of the
 ‘ persons with whom it is entrusted.

‘ XIII. A common contribution being necessary
 ‘ for the support of the public force, and for de-
 ‘ fraying the other expences of government, it
 ‘ ought to be divided equally among the members
 ‘ of the community, according to their abilities.

‘ XIV. Every citizen has a right, either by
 ‘ himself or his representative, to a free voice in

Mr. Paine, ' determining the necessity of public contributions,
' the appropriation of them, and their amount,
' mode of assessment, and duration.

' XV. Every community has a right to demand,
' of all its agents, an account of their conduct.

' XVI. Every community in which a separation
' of powers and a security of rights are not pro-
' vided for, wants a constitution.

' XVII. The right to property being inviolable
' and sacred, no one ought to be deprived of it,
' except in cases of evident public necessity legally
' ascertained, and on condition of a previous just
' indemnity.'

OBSERVATIONS ON THE DECLARATION OF RIGHTS.

The three first articles comprehend, in general terms, the whole of a declaration of rights: all the succeeding articles either originate out of them, or follow as elucidations. The 4th, 5th, and 6th define more particularly what is only generally expressed in the 1st, 2d, and 3d.

The 7th, 8th, 9th, 10th, and 11th articles are declaratory of *principles* upon which laws shall be constructed conformable to *rights* already declared. But it is questioned by some very good people in France, as well as in other countries, whether the 10th article sufficiently guarantees the right it is intended to accord with: besides which, it takes off from the divine dignity of religion, and weakens its operative force upon the mind,

mind, to make it a subject of human laws. It then presents itself to man, like light intercepted by a cloudy medium, in which the source of it is obscured from his sight, and he sees nothing to reverence in the dusky ray *.

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The remaining articles, beginning with the twelfth, are substantially contained in the principles of the preceding articles; but, in the particular situation in which France then was, having to undo what was wrong, as well as to set up what was right, it was proper to be more particular than what in another condition of things would be necessary.

* There is a single idea, which, if it strikes rightly upon the mind either in a legal or a religious sense, will prevent any man, or any body of men, or any government, from going wrong on the subject of religion; which is, that before any human institutions of government were known in the world, there existed, if I may so express it, a compact between God and man, from the beginning of time; and that as the relation and condition which man in his *individual person* stands in towards his Maker cannot be changed, or any ways altered by any human laws or human authority, that religious devotion, which is a part of this compact, cannot so much as be made a subject of human laws; and that all laws must conform themselves to this prior existing compact, and not assume to make the compact conform to the laws, which, besides being human, are subsequent thereto. The first act of man, when he looked around and saw himself a creature which he did not make, and a world furnished for his reception, must have been devotion; and devotion must ever continue sacred to every individual man, *as it appears right to him*; and governments do mischief by interfering.

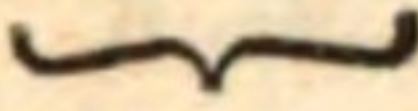
While

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While the declaration of rights was before the national assembly, some of its members remarked, that if a declaration of rights was published, it should be accompanied by a declaration of duties. The observation discovered a mind that reflected, and it only erred by not reflecting far enough. A declaration of rights is, by reciprocity, a declaration of duties also. Whatever is my right as a man, is also the right of another; and it becomes my duty to guarantee as well as to possess.

The three first articles are the basis of liberty, as well individual as national; nor can any country be called free, whose government does not take its beginning from the principles they contain, and continue to preserve them pure; and the whole of the declaration of rights is of more value to the world, and will do more good, than all the laws and statutes that have yet been promulgated.

In the declaratory exordium which prefaces the declaration of rights, we see the solemn and majestic spectacle of a nation opening its commission, under the auspices of its Creator, to establish a government; a scene so new, and so transcendently unequalled by any thing in the European world, that the name of a revolution is diminutive of its character, and it rises into a regeneration of man. What are the present governments of Europe, but a scene of iniquity and oppression? What is that of England? Do not its own inhabitants say, It is a market where every man has his price,

price, and where corruption is common traffic, Mr. Paine.
 at the expence of a deluded people? No wonder, 
 then, that the French revolution is traduced. Had
 it confined itself merely to the destruction of fla-
 grant despotism, perhaps Mr. Burke and some
 others had been silent. Their cry now is, "It
 "has gone too far:" that is, it has gone too far
 for them. It stares corruption in the face, and
 the venal tribe are all alarmed. Their fear dis-
 covers itself in their outrage, and they are but
 publishing the groans of a wounded vice. But
 from such opposition the French revolution, in-
 stead of suffering, receives an homage. The more
 it is struck, the more sparks it will emit; and
 the fear is, it will not be struck enough. It has
 nothing to dread from attacks: Truth has given
 it an establishment; and Time will record it with a
 name as lasting as his own,

S I R

SIR BROOKE BOOTHBY.

Observa-
tions on the
Appeal, &c.
and Mr.
Paine's
Rights of
Man.

THE pamphlet entitled "RIGHTS of MAN" proposes no less than to destroy every moral, and religious, and political establishment in the world; and to replace them with a perfect system of its own. It is a sketch of a complete code of destruction, of which the following are the great outlines:

That the living cannot be bound by laws made by the dead.

That all men being perfectly equal, every man has an equal right in every thing.

That every man in society retains the right of doing every thing that he is able to do; and acquires the right to call upon the general force to assist him in doing every thing that he is not able to do.

Bold as our author is, that he may not frighten his game too soon, in establishing the first of these principles he uses Mr. Burke as a stalking-horse.

The author of *The Reflections* had endeavoured to support the unconstitutional doctrine of the *indefeasible* right of succession to the crown, by the force of certain technical terms of course used in the settlement of the present legal establishment—*most humbly and faithfully submit themselves, their heirs, and posterities for ever*—and this error is seized upon with great avidity by our *anarchist* as a pre-
text,

text, poor as it is, for introducing his first attack upon laws in general. But it is obvious that *The Reflections* could only mean to assert (though falsely not absurdly), that such *being* the constitution established by law, such it must consequently remain at this day, and as long as the constitution exists, unless the law by which it is ordained shall be repealed or altered by the legislature. In this sense and no other can the gentleman be understood to consider this declaration, or the statute enacted upon it, because he expressly recognises the *rights of the legislature to regulate the succession*; and *the power of the nation at all times wholly to abolish the monarchy and every other part of the constitution*. All the nonsense, therefore, which this writer chooses to combat for nine pages together, as supposing the gentleman to have maintained the grand absurdity, that any legislature can make laws which no subsequent legislature can alter or repeal, is perfectly gratuitous; and what is more, Mr. Paine knows that it is; but under the cloak of this supposed error, he wishes to smuggle in this part of his system of destruction without alarming tender consciences too much by presenting it point blank and at once. The following positions, subversive of all law, are therefore introduced, not directly, but obliquely, as if in answer to a pretended absurdity*.

1. *Every*

* If after all it should be possible that Mr. Paine could really conceive the author of *The Reflections* to mean that any body of men ever did or could make a law incapable of being altered

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Boothby.

1. *Every age and generation must be as free to act * for itself in ALL CASES, as the generation which preceded it.*

Which is to say in other words, that the present generation is not bound by any law or establishment made by any preceding generation; because, if we were bound to any obedience to these laws, it would be absurd to say, that we are as free to act *in all cases* as men were before these laws were made.

2. *The parliament or the people of 1688, or of any other period, had no more right to dispose of the people of the present day, or to bind or control them in any SHAPE WHATEVER, than the parliament or the people of the present day have to dispose of or to bind or control those who are to live a hundred or a thousand years hence.*

But it is certain that the parliament or the people of the present day have not a shadow of right to make laws which are to operate a thousand years hence, or to legislate expressly for any future generation; because they cannot preclude the right of every generation to make, or repeal, or alter laws; therefore we, the people of the present day, are not bound or controlled in any shape whatever, by any act of the parliament of 1688, or of any other past generation.

or repealed, I beg his pardon for having defended his sagacity at the expence of his honesty; and I greatly admire his humility in condescending to answer such perfect folly.

* Not to legislate, observe, but to act.

3. *When*

3. *When man ceases to exist, his power ceases with him. He has no longer any authority in directing who shall govern, or how government shall be organized or how administered.*

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Boothby.

But if all laws and establishments lose their authority as soon as the makers of them cease to exist, no man is at this day bound by any moral obligation to obey any law made by his fathers, but may disobey and resist them all as far as he is able.

After having thus relieved our minds from all moral obligation of obedience to the laws and institutions of our forefathers, the pious author proceeds to establish another fundamental principle of his system of destruction; and labours it with earnestness proportioned to its consequence and extent. And this is “the *illuminating and divine principle of the equality of man*,” not that equality in the sight of the law spoken of in the French declaration of rights, but absolute positive equality, received immediately from God, in the *same manner as if posterity had been continued by creation instead of generation*;—from which it follows as a necessary consequence, that society cannot give, or any man possess any right to appropriate to his own use any part of the common benefits of nature, more than his necessities immediately require, so as to exclude from them any other men, who have all an equal right with himself.

Here then is the foundation laid for the great work of *regeneration*!—Here is the rejection of the “old law” to make way for the new testament of

Thomas

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Boothby.

Thomas Paine ! And when he has proceeded to establish, as he shortly afterwards does, *that we have no constitution*, it is impossible to be more free than we are to engage with any projector who will undertake to make us a government upon the best and cheapest terms. And here again Thomas is ready with his proposals. He offers not only to pull down and clear away the rubbish, but to rebuild, all of the best materials, and at the lowest prices, and upon an entire new plan of his own invention, and here it is.

1. *Man did not enter into society to have fewer rights than he had before. Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not in all cases sufficiently competent. Every civil right is a natural right exchanged.*

From whence it follows, that man does not enter into society that his natural appetites and passions should be restrained, but that he may *take the arm of society in addition to his own, whenever his powers for their enjoyment are defective in the individual.*

2. *The natural rights which he retains, are all those in which the power to execute is as perfect in the individual as the right itself.*

But it has been already demonstrated, that, according to the “divine principle of the equal rights of man,” no man can have a right to possess any thing to the exclusion of others, and that every man has a right by his own force, and the assistance of society, if necessary, to resist such exclusion ;

clusion; and the enjoyment of a beautiful female, or any other of the goods of fortune, being among these natural rights in which the power to execute is as perfect as the right itself, it follows that those acts which have been hitherto injuriously distinguished and unjustly punished under the names of rape, and robbery, and burglary, and assassination, are in reality no more than civil *rights founded on natural rights pre-existing in the individual; rights which the power produced from the aggregate of natural rights imperfect in power in the individual (or in plainer terms the power of the state) cannot be applied to invade.*

After having taken this short view of the direct, main doctrines, let us examine the sophisms by which they are collaterally supported.

Mr. Burke has, it seems, said, “ that the people
“ of England will resist the practical assertion of
“ certain rights with their lives and fortunes.”
Upon which Thomas observes, “ That men should
“ take up arms, and spend their lives and fortunes,
“ not to maintain their rights, but to maintain that
“ they have *not* rights, is an entirely new species of
“ discovery, and suited to the paradoxical genius
“ of Mr. Burke.” Now, I would ask this excel-
lent logician what is to be understood by the *prac-*
tical assertion of the rights “ to choose new gover-
“ nors, to cashier the old ones, and to frame a new
“ government,” but the rising up in force for
these purposes? and what there is “ strange,” or
“ marvellous,” or “ paradoxical,” in supposing
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that those who approve the present government and the present governors will resist these changes, and defend the present establishment with their lives and fortunes? But Thomas saw confusedly a sort of antithesis between *rights* and *not rights*, and with the most self-satisfied air of superiority produces this miserable sophism, which a schoolboy of ten years old would be able to detect.

Page 12, he says, "*The laws of every country must be analogous to some common principle*"—This, as I do not understand, I cannot deny—"In England, no parent or master, nor all the authority of parliament, can bind or control the personal freedom even of an individual beyond the age of twenty-one years."

No? What are soldiers, and sailors, and hired servants, and articed clerks, journeymen, &c.? Is not their personal freedom bound and controlled by their officers and masters under the authority of parliament?

On what ground of right then could the parliament of 1688 bind posterity? This syllogism, with its unintelligible major, its false minor, and its consequence bearing but a slight analogy to the premises, is, I think, a perfect model of impertinent logic.

Page 17, we are presented with a maxim à la Fayette introduced with great pomp and solemnity—*For a nation to love liberty, it is sufficient that she knows it, and to be free, it is sufficient that she wills it.* In the first of these aphorisms, whether the modern Lycurgus means to speak of a practical or a theoretical acquaintance with civil liberty; whether

whether of a love created by the habitual experience of its excellence, or by the attraction of its abstract beauty ; of American or French liberty ; we are left to discover. If he had said that a government resting on laws, by which personal liberty and property are equally secured to all, and which no man has the power to dispense with or control, is the best foundation for national happiness, he would have repeated an intelligible truth, confirmed by the experience and consent of ages. But this could not have been reduced to the quintessence of a philosophical maxim, nor have hitched into the antithesis which follows—*and to be free, it is sufficient that she wills it*. Nothing can be more vague than the sense of abstract terms when used by confused minds. Supposing the adverse interests and passions of men to be united in one volition, a supposition not very easy to make, civil liberty is an extremely complicated idea, and men must differ from each other widely in their conception of it. National freedom depends upon the action and reaction of a thousand springs. It is not only the result of great wisdom, but of great good fortune ; it must be the work of time and experience, and supported by a combination of circumstances, which, from the few free states recorded in the annals of mankind, we must suppose to be extremely rare. The Americo-gallic commander might just as well have said, that “ for a nation to be wise, it is sufficient that she wills it,” as that the mere will to be free will give a free government. For the rest,

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Mr. Paine observes very truly, that “ these sentences do not finish like Mr. Burke’s periods, “ with music in the ear, and nothing in the heart,” for they are as unmusical as they are absurd.

Page 35, he ridicules Mr. B. for “ building a “ tragic scene” upon “ carrying the heads upon “ spikes about Paris,” and considers *The Reflections* as “ a greater outrage” than the assassinations; and then justifies these barbarities by the example of the heads upon Temple-bar! Page 37 and 38, he contends that “ this disposition to cruelty is owing “ to the distinctions of society.”—“ A vast mass of “ mankind,” he says, “ are degradedly thrown “ into the back ground of the human picture, to “ bring forward with greater glare the puppet-show “ of state and aristocracy.”—I wish he had told us how these distinctions in society arise: in such an investigation, he must soon have been reduced ultimately to refer them all to the unequal distribution of riches. It is relative *poverty*, occasioned by luxury and commerce, by which men are thrown into the shade of the picture; and riches, and luxuries, and arts, that glare in the front.

Pages 47, 48, &c. he asks, “ Does Mr. Burke “ mean to deny that man has any rights? If he “ does, he must mean that there are no such things “ as any rights any where, and that he has none “ himself; for what is there in the world but man?” The sophistry of this question and the rest of the passage depends upon the loose and indefinite usage of the words *man* and *rights*. In a pure state of nature,

nature, supposed previous to the formation of society, the rights of every individual must have been co-equal with his natural powers, and capacities, and wants; like the rights of the carnivorous to devour the frugivorous animals, and theirs to consume the vegetable world; rights proved by their teeth and claws, and the conformation of their stomachs; and after the formation of societies, his rights are determined and ascertained by the laws and institutions of the society in which he is born; and these social rights, being all relative rights, must always be liable to vary with the circumstances, and cannot, therefore, be reduced to any positive or immutable principles. As to the author of *The Reflections*, he might, and probably would answer for himself, that he is satisfied with the civil rights which are secured to him by the laws of the society to which he belongs.

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This great political luminary, rising like the sun upon the darkness of past ages, has not only discovered and laid open the eternal principles of legislation, but “*an eternal source of authority to which we may refer,*” and this is—ADAM—*We are now arrived at the origin of man and the origin of his rights.—Oh rare!—Here our enquiries find a resting-place, and our reason finds a home.—The reason of a Plato, or a Montesquieu, or a Locke, or a Bayle, would have felt itself, I believe, but ill lodged.—The unity of man in the creation is the divine origin of the rights of man.—To be sure, when*

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there was but one man, there could be no inequality of persons.—*The genealogy of Christ is traced to Adam, why not then trace the rights of man to the creation of man?* Now what, in the name of common sense, is there in common between the genealogy of Christ and the rights of man? But to talk to him in his own cant; how does he reconcile the preference given by God to one people over all others, to this illuminating *divine* principle of the equal rights of man?—What does he say to the promise of the Lord to Rebecca, “that two nations should spring from her womb, one of which should serve the other?” or to the sale of the right of primogeniture under the divine sanction? or to the prophetic blessings of the patriarchs: “Let people serve thee, and nations bow down to thee; be lord over thy brethren, and let thy mother’s sons bow down to thee”—or to the difference made between the descendants of Ham, &c.—How the Lord came to suffer the world to remain so long in ignorance of this *unity of man in the creation*, which he had destined from the beginning to be the source of their natural and civil right, as well as of their moral duties?—How it has happened, that since the existence of society this principle has never once, that we know of, been applied to the purpose for which it was ordained? and finally, Why the Lord has hid this *greatest and most advantageous truth* from all his patriarchs, and prophets, and inspired writers of the
old

old world, to reveal it in this latter day to an American ex-secretary?—When he has answered these questions, I have many more to ask *.

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“If,” he says, “any generation of men ever possessed the right of dictating the mode by which the world should be governed for ever, it was the first generation that existed.” But neither the first generation or any generation since, that we have heard of, ever asserted any such senseless claim. Men in society are governed by *moral* ne-

* Sir Robert Filmer makes use of the very same argument from scripture, which Mr. Paine brings to prove the rights of man to equality, and almost in the same words, exactly for the contrary purpose; the unity of man in the creation is the ground he takes to establish the divine rights of kings, and the rest of his execrable system of civil slavery.—“I cannot (he says) but reverence that form of government which was allowed and made use of for God’s own people.—It were impiety to think that God would not furnish them with the best form of government. It is a shame for us christians to seek the origin of government from the inventions or pictures of poets, orators, philosophers, and heathen historians, *who all lived thousands of years after the creation, and were in a manner ignorant of it*, and to neglect the scriptures, which have with more authority most particularly given us the true ground and principles of government.”

Preface to “The Anarchy of a Limited or Mixed Monarchy.”

“Natural freedom (he says) cannot be supposed, without the denial of the creation of Adam. It is not possible for the will of man to search out the first grounds or principles of government, except he knew that, at the creation, one man alone was made to whom the dominion of all was given.”

Observations touching Forms of Government.

So doctors differ, and so are the people duped!

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cessity, as in a state of nature they are governed by *physical* necessity. Governments are formed or changed according to circumstances and relations for ever fluctuating. Men are bound under the strictest moral obligation to submit to the government under which they live, as long as they enjoy the benefit of it ; or as long as it retains the power of enforcing obedience. No two governments ever have been or ever can be exactly alike, nor can any government remain long exactly in the same position. Political bodies have their birth, their infancy, their youth, their manhood, their old age, and their dissolution, like natural bodies ; and are like them subject to accident and disease. They are in all degrees of better and worse, and very rarely in the extreme of good or bad. The changing of any mode or system of regulation under which a society actually exist, must (as the author of *The Reflections* well says, when generally applied)

“ always be a question of dispositions, and of
“ means and probable consequences, rather than of
“ positive rights.”

Dr. Price had said, that “ under the constitution declared at the revolution the people of England acquired *a right to frame a government for themselves ;*” for the two other positions, *to choose their own governors, and to cashier them for misconduct,* are included in this. This Mr. Paine denies ; and it is not for me to reconcile these great authorities. In my humble opinion, though they differ with each other, they are both mistaken : Mr.

Paine,

Paine, in supposing that “ the parliament of 1688
 “ set up or assumed any rights of controlling poste-
 “ rity to the end of time,” p. 10, 11; and the
 doctor, in not perceiving that the right they main-
 tained was the right to *preserve*, and not the right
 to *destroy*; the right to withdraw their allegiance
 from the king, to prevent the dissolution of the
 constitution; not the right to dissolve the constitu-
 tion themselves.

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Page 51, Thomas complains of “ the vast dis-
 “ tance to which man, considered as man, is thrown
 “ back from his Maker by the present existing go-
 “ vernments in all parts of Europe;” and ridi-
 cules, with his wonted happy vein, “ the turnpike
 “ gates set up by Mr. Burke between man and his
 “ Maker.” Unluckily, however, these turnpike
 gates are not at all of this gentleman’s setting up,
 but were all erected long ago by men who, as we
 have been taught to believe, were immediately in-
 spired by God himself.

Mr. Paine, p. 51—“ I will quote Mr. Burke’s
 “ catalogue of barriers that he has set up between
 “ man and his Maker. Putting himself in the
 “ character of a herald, he says, *We fear God—*
 “ *we look with awe to kings—with affection to par-*
 “ *liaments—with duty to magistrates—with reverence*
 “ *to priests—and with respect to nobility—*Mr. Burke
 “ has forgotten to put in chivalry—he has forgot-
 “ ten to put in Peter.”

St. Peter says—“ Submit yourselves to every or-
 “ dinance of man, for the Lord’s sake—whether it
 “ be

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“ be to the king as supreme, or unto governors, as
“ unto them that are sent by him.—Honour all
“ men—love the brotherhood—fear God—honour
“ the king.—Servants, be subject to your masters.”
St. Paul says—“ Let every soul be subject to the
“ higher powers. They that resist shall receive to
“ themselves damnation—render, therefore, to all
“ their dues—tribute to whom tribute is due—
“ custom to whom custom—honour to whom ho-
“ nour.”—It seems to be Thomas, and not Mr.
Burke, that has “ forgotten Peter.”

“ The duty of man,” he adds, “ is not a wilder-
“ nefs of turnpike gates, through which he is to
“ pass by tickets from one to another.” How *duty*
can be a *wilderness of gates*, I certainly am not
prepared to shew; but if the author, by this figure,
means to describe the moral affections and obliga-
tions as independent of and unconnected with each
other, his ethics are in my opinion as false as his
politics. The moral as well as the political con-
stitution is held together by gradations and de-
pendencies, formed out of their relative and reci-
procal nature. These are the soft ties of human
society. Abstract duties exist in the hollow brains
of philosophers, but not in the practical offices of
life. Our subordinations and mutual dependencies
are the sources of a thousand of the tenderest and
most endearing virtues, and minister to the heart in
a thousand lovely forms. If the perfect moral and
natural equality and independency of man could
be established, this insulated monk, without the
6 power

power and consequently without the benevolence of a god, and without the natural affections of a man, would be the most detestable as well as the most miserable of all beings.

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Till the reader is warned by repeated disappointments, his expectation is constantly excited by some pompous unproductive prelude. Page 56, he says, "To possess ourselves of a clear idea of what government is or ought to be, we must trace it to its origin." Should not one suppose from this opening, that he was going to give us an analysis of civil society in its source and progress? Instead of this, he contents himself with asserting, *suo periculo*, "that in doing this" (which he leaves us to do for ourselves) "we shall easily discover that all governments must have arisen either *out of* the people or *over* the people;" in which he does nothing more than confound a mode of existence common to all possible governments, good and base, viz. that of being over the people, with the cause and origin of governments; and this he calls "possessing ourselves of a clear idea of what government is and ought to be."

With the same acuteness and precision he proposes "to define what is meant by a constitution;" and then, instead of any thing like a definition, he gives a vague description of the particular kind of constitution which he desires to recommend. But this passage deserves to be examined. It is one of the most curious in the whole work.

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Page 56. "*A constitution is not a thing in name only, but in fact.*"—That is, a thing is a thing—it has not an ideal but a real existence; and wherever it cannot be produced in a VISIBLE FORM, there is none at all. What, does its existence depend merely upon its being written down?—*A constitution is a thing antecedent to government, and a government is only the creature of a constitution.*—Now all this, so far from amounting to a definition of the subject, I think only shews that our author either does not or will not understand the etymology or signification of the term he pretends to define. A constitution, as the word implies, means any thing constituted of parts, making a whole; as we say the constitution of a borough, or the constitution of a horse. When applied particularly to government, it means the aggregate of the laws and institutions and establishments, whether they have ever been collected in a written code or not, by which the country or nation referred to is governed; and it may be good or bad in every possible proportion and degree; and as the constituent parts must exist before the body which they constitute, such a constitution cannot "be antecedent to" the constitutions, and laws, and regulations, of which it is composed.

"*The constitution of a country is not the act of its government, but of the people constituting a government*"—But to be "*a country*" or "*people*" bespeaks some sort of constitution, good or bad, already existing; and constitutions have neither been a single *act of the government* nor of the people *constituting*

uting a government ; but have been, like all other human institutions, subject to change and alteration by circumstances and necessities, and chance in progressive time ;—because, as this same author wisely, though inconsistently, observes in another place (p. 16), “ the circumstances of the world “ are continually changing, and the opinions of “ men change also ; and that which may be “ thought right and found convenient in one age, “ may be thought wrong and found inconvenient “ in another.”—“ *It is the body of elements to which “ you may refer, and quote article by article.*” You may call the laws and constitutions of any society the *elements of their constitution*, if you please ; and they may and will be referred to and quoted article by article as often as is necessary—and which contains the principles on which the government shall be established, &c.—in fine, every thing that relates to the complete organization of a civil government, and the principles on which it shall act and by which it shall be bound. Here this writer prescribes a new and untried mode of constituting a government *a priori*, by first inventing an archetype or abstract ideal form, and then bending and forcing all circumstances, lopping the long and stretching the short, to fit this perfect model and measure of excellence ; and then insists on appropriating the generic term of constitution exclusively to this particular species ; and because our constitution has grown out of our laws, and not our laws out of our constitution, he very impudently tells us that *we have no constitution*

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at all. To confirm self-evident truths by proofs is not easy, they can only be strengthened by a reference to some other self-evident truths of equal force. Descartes says, "I think, therefore I am." England is governed by known and established law, therefore it has a constitution. An illustration is not an argument; but where the analogy is strong, it is almost as forcible. Would any man think of contending that we have no *language*, because our language was not originally framed according to certain rules of abstract or universal grammar; or seriously advise us to burn all our books, and begin the world again with a new "re-generated" language, because the English tongue contains many idioms and anomalies not reducible to these rules? "Grammar," would he say, "is a thing antecedent to language, and language is only the creature of grammar?" "If the grammar upon which the language was formed cannot be produced, no such thing as a language exists, or ever did exist; we have yet a language to form?" Certainly to deny the existence of Westminster-abbey, because it is not constituted according to any of the five orders described by Vitruvius, would be just as reasonable.

Rules for action must be drawn from practice and experiment, and not from the dreams of metaphysicians. As well might an excellent drama be formed out of the mere unities of Aristotle, as a good government out of the mere equal rights of man. As easily can we cease to have our feelings awakened,

awakened, and our hearts improved by the works of our divine Shakespeare, because he was ignorant or careless of these laws, as we shall be persuaded to sacrifice the native beauties of our constitution, because they are not deducible from certain useless and impracticable abstract rules. As soon shall we employ Thomas Paine to new model Othello and Macbeth to the metaphysical laws of the French drama, as to new model our government to the metaphysical laws of the French constitution. Such legislation puts us in mind of the philosophical tailor of Laputa, who, to make a suit of clothes, only took measure of the thumb.

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Page 57, Mr. Paine says in continuation, “ *Mr. Burke will not, I presume, deny the position I have already advanced, namely, that governments arise either out of the people or over the people.*”—Mr. Burke will probably neither deny or affirm this position, because he will perceive that it is nonsense: for government must always be *over* the people governed, whatever be its mode or its origin, whether it arise out of conquest or out of common consent. And he concludes with preaching to us in a figure borrowed from one of the darkest mysteries of our faith, the saving doctrine of the new birth as necessary to political as well as religious salvation.—*The country has never REGENERATED itself, and is THEREFORE without a constitution**. So that the

* To endeavour to prove that a thing does not exist, because it has not undergone a change, which implies the necessity of previous

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the constitution which Montesquieu cites as above all others *directly tending to political liberty, and establishing liberty by its laws*, and of which he gives an accurate analysis, Thomas Paine assures us *neither does exist or ever did exist, and is still to form*.—It is true, indeed, that Thomas is not a Montesquieu.

Page 58, “ he perceives” that “ Mr. Burke “ could not perceive that there was any such thing “ as a constitution,” because “ he has not explained what it is in the work he then published.” To argue that a thing does not exist, or that a man does not believe that it exists, because he has not written a book upon it, does not seem perfectly satisfactory. If ever this eloquent and learned writer should publish a dissertation on the British constitution, though it may perhaps be tinged with some prejudices in favour of the monarchical branch, it will not fail to contain much excellent elucidation of the subject. In the mean time, let those who are ignorant and desire to be informed what the English constitution is, look into the sixth chapter of the eleventh book of the *Spirit of Laws*—“ There is a nation in the world,” says the illustrious author, “ the direct object of whose constitution is political liberty. Let us examine the “ principles upon which it is founded.”—And after giving a beautiful analysis of the English constitution, he adds, “ Whether the English actually “ enjoy this liberty or not, it is not for me to de-

vious existence, is too gross a contradiction to have escaped a mind endowed with common logical powers.

“ termine ;

“ termine ; it is sufficient for me to say, that IT
 “ IS ESTABLISHED BY THEIR LAWS, and I seek
 “ no farther.” The first and great feature of the
 English constitution is, that it is a *government by
 law*, by which all men are equally bound, and
 which no person whatsoever has any right or power
 to alter, or suspend, or dispense with ; that the per-
 son and property of the poorest peasant are as secure
 from wrong and violence in his humble cottage,
 “ where the wind and rain may beat in, but the
 “ king himself dares not enter,” as the prince in
 his palace ; that every one may freely do whatever
 is not forbidden expressly by the law. This is *the
 justice* of the constitution. Its *wisdom* consists in
 having made it the interest of those opposite and
 contending principles, necessarily arising from in-
 equality of possessions, which naturally tend and are
 usually employed to disturb and overturn govern-
 ment, to unite to maintain and preserve it. Where-
 ever the poorer sort have it in their power to sell
 their liberties, they will be liable to be bought by
 the rich, and the government will be in constant
 danger of falling under the worst sort of aristo-
 cracy ; but by having *incorporated* aristocracy in a
 house of lords, with fixed and limited powers, they
 have given them an interest to maintain the mixed
 constitution such as it is, against a democracy on
 the one hand and an arbitrary monarchy on the
 other ; and the people, having no share in the go-
 vernment except by a limited number of represen-
 tatives, are restrained from selling the *fee simple* of
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their liberties as the Romans did to Julius or Augustus ; and the king, having constitutional rights and powers coequal with and independent of both, is a check upon both.

The author of the *Reflections*, to signify that the crown of England is not elective, has expressed himself as if the king did or might *despise* the opinion of the people ; and this invidious expression gives occasion to our author to vomit forth a monstrous collection of indigested crudities. Not to be outdone in *contempt* for the opinions of the people, he begins by very contemptuously assuring us, that “ as to who is king in England or elsewhere, or “ whether there is any king at all, or whether the “ people choose a Cherokee chief or a Hessian huf- “ far for a king, is not a matter that he troubles “ himself about* :” and then he takes fourteen pages (from 129 to 142) to prove this single position—*That every hereditary establishment must be unjust, because laws made by one generation CAN- NOT BIND ANY FUTURE GENERATION.*

To have shewn that this principle is absolutely subversive of all laws and institutions and governments in the world is, I am well aware, so far from an answer to this *establisher of subversion*, it is exactly what his system of destruction seems to prove ; but

* This seems to be imitated from a piece of wit, published some years ago in *The World*, entitled the *Unbeliever's Creed*, in which this is one of the articles—“ I believe that matter is God, “ and that God is matter, and that it is no matter whether “ there is any God or not.”

surely

surely all persons of competent understanding, who are neither wicked nor insane, must perceive the extreme fallacy and confusion of this detestable nonsense. They must have seen that every law once established, and the law of the hereditary succession to the crown amongst the rest, necessarily remains in force till repealed by the legislature, or resisted by the whole nation; and even the author of the *Reflections* himself has not disputed, but allowed the full and complete right and power of the legislature to repeal, or the nation to resist. The hereditary succession to the crown has been hitherto considered as liable to fewer objections than any other mode, and does and will remain established, till altered by the power of the legislature or the force of the nation, exactly in the same manner with every other law and institution whatever. The logic our author employs on this occasion is worthy of his object. The *Reflections* state, that the crown not being elective, the members of a certain revolution club consequently can have no vote either collectively or individually in the election. But says Thomas (page 130), “ the revolution society is composed of citizens of all denominations, and of members of both houses of parliament; and consequently if there is not a right to a vote (a vote where and how?) in any of these characters, there can be no right to any either in the nation or its parliament.” As if their having no vote individually and out of parliament, or col-

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lectively as a club, in a case where it is established that there shall be no election, precluded their right in their legislative capacities to alter that very establishment, or any other, whenever they shall see good cause for so doing! “And this,” adds Thomas, “ought to be a caution to every country how it imports foreign families to be kings;” which implies, if it implies any thing, that the preservation of the hereditary succession was the consequence, and not the cause of the legal establishment of the present royal family!

To prove that “a whole nation may change its government when it pleases,” there was no necessity for producing the high authority of lord Shelburne; for as neither the ex-minister nor the ex-secretary will probably contend that this right is to be made use of without expediency, the right or power (which is here the same) cannot be denied; and it only remains for these great men to prove the wisdom and expediency of presently exercising it.

In answer to an observation in the *Reflections*, that an hereditary crown preserves our hereditary liberties, “*who*,” says Thomas, “*is to take them away?*” Ambitious chiefs of the senate, or leaders of the army, or furious demagogues at the head of a licentious populace.—“*What service does the crown perform—what is its business—and what are its merits?*”—Its services are, to preserve us from being devoured by these beasts of prey; its business,
to

to exercise defined and limited powers committed to it for this purpose; and its merits, the being perfectly well adapted to the end of its institution.

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Hereditary establishments, wherever they are admissible, have the inestimable advantage of hereditary respect. Authority founded on opinion is of all others the most light and gentle. The kind of filial regard which the example of our fathers and our own early impressions have taught us to feel for our hereditary institutions, connects civil and political obedience with the moral and social duties; and society comes to resemble an affectionate and well-regulated family. Great indeed and incurable must the evil be to dissolve all the moral ties by which society is held together; to authorise every order and description of men to renounce, like the prodigal son, the paternal protection of the state, and to say to it, "Father, give me the portion of goods that falls to me."

The author evinces some dexterity in introducing his nonsense, by way of reply to some other supposed nonsense if possible greater than his own. No person of common sense has certainly ever maintained that men could bind their posterity to make no alteration in their laws and institutions; and yet the whole of his reasoning depends upon the supposition that this is the received opinion of all the friends to the hereditary monarchy, than which nothing can be more absurd and untrue.

Hereditary monarchy has been established because it has been found good; and it is continued,

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not merely because it has been established, but because we still hold the same opinion of its utility and excellence with our fathers; and let him if he pleases consider our constitution as a *bequest* from our ancestors, this will but add a sort of respectful veneration to our approving reason. If A builds a house, and bequeaths it to B; B, who finds it good and convenient, will not pull it down because he did not build it himself, but will be thankful to be well lodged without trouble or expence.

One of his most specious objections to hereditary institutions is, that wisdom is not hereditary*. With this master argument, after having already presented it in an hundred different shapes, our author concludes his attack: "As the exercise of
" government requires talents and abilities, and
" as talents and abilities cannot have hereditary
" descent, it is evident that hereditary succession
" requires a belief from man to which his reason
" cannot subscribe." But this objection is neither confirmed by experience nor by the consideration of the subject. Without agreeing with Helvetius that every man born with his natural organs complete is capable of receiving and combining an equal number of ideas; and that differ-

* When we consider by whom *elections* are proposed to be made; how little the mass of the people are in a condition to appreciate real talents; and how liable to be deceived even by such pretenders as this author; we shall be inclined to think wisdom not more *elective* than it is hereditary.

ence in talents and abilities is therefore wholly owing to education; it must be allowed, that to fit a man for any artificial situation, the particular knowledge of the art or science he is to exercise, which can only be obtained by education, is preferable to any uncultivated power of mind however great; the judgment of the simplest artist in his own art is better than the unexercised opinion of genius itself. In an hereditary body consisting of the richer and better sort, the *optimates* or *primores*, such as the British house of lords, the best education that the country affords is sure to be given to the rising expectant members, and a majority of them will be nurtured in principles of honour, if not of virtue. If they are not all men of genius, they are at least all men of liberal education; so that, with their common chance for natural endowments, they have the superior advantage of an education preparatory to their future destination; as well as the greatest interest in the preservation of the republic. And the experience of the fact is conformable to this view of the object. No public assembly has preserved a higher character for wisdom and integrity than the house of peers; the judgments of the *Areopagus*, to which it was said the gods might have appealed, were not more just and pure than the decision of this high court of dernier ressort. I confess I should at this moment entertain a very low opinion of the discernment of that person, who, having a fair and honourable cause, would rather take the na-

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tional assembly of France for his judges than the English house of peers.

How far the titles and attributes of the king of England are applicable to the theories of philosophers, we will leave to academicians and *beaux esprits* to determine. Let them if they please amuse themselves, and us too if they can, with speculative distinctions between the king and the sovereign; let them make the nation the sovereign, and the king an officer. While his powers and prerogatives are ascertained and acknowledged, under what names or distinctions is perfectly indifferent. The nation may for aught I know be *essentially* the source (*or fountain if you will*) of *sovereignty*, and the king be nevertheless the fountain of *honour*: in this there is no sort of contradiction; for it is only to suppose the king to be a reservoir supplied by the great fountain, and every thing may flow on again in its due course to the end of time.

Labitur & labetur in omni volubilis ævo—

For the rest, the English have seen, what the French may find out too late, that the more they take from the real force of their executive power, the more they ought to clothe him with all the attributes and distinctions of personal dignity that can create respect and veneration; to supply the want of coercive powers by the influence of opinion; and they who have in their hands the real power should be the first to
set

set the example. Mr. Paine does not see that these marks of reverence and submission have been carefully preserved by our ancestors as necessary substitutes for the real prerogative which they took away; that when we say we do most humbly and faithfully submit ourselves, heirs, and posterities, for ever, this is the voluntary submission of freemen to an institution which they have judged necessary to the preservation of a national permanent freedom. When they deprived their kings of the power to do them harm, they very wisely and safely entrusted them with power of doing good, because they considered the preservation of the monarchy as essential to the preservation of that constitution which from reason and experience they best approved. We therefore love and venerate our limited monarch, because we believe that he preserves us from a ferocious venal democracy, from a cruel haughty aristocracy, and from the unlimited tyranny of a master; because we trust that he is at this moment possessed of powers to withhold (if it were necessary) the hand of the constitution from committing the desperate act of suicide recommended in this "Rights of Man;" from sacrificing our religion and laws and morals and customs and manners upon the altar of I know not what deaf and dumb idol; from loosening ourselves from every tie of duty, that *we may be stained with our own works, and go a whoring with our own inventions.*

How

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How far the mixture of aristocracy in our public system “has tended to degenerate the human species,” (another of Thomas’s cynical objections) let those lovely forms that grace the British court declare, in whom the splendour of royal or noble birth is eclipsed in the superior lustre of personal charms; whose beauty disdains the assistance of rank to captivate the beholders.

There have always existed in greater or smaller degrees two descriptions of persons alike dangerous and unfriendly to the mixed government of England; those who desire a republican form, and those who wish to give the king a controul over the laws; and these two parties have at all times been equally opposed by the constitutional whigs, esteeming the constitution such as it is fully adequate to civil liberty, and the best adapted to the genius of the nation; and the attachment of these men to the monarchy is strong and uniform, because founded on the opinion of public advantage. As long as the king remains within the limits of the constitution, he is sure of the respect and support of these men; but they will not go a step farther; for their attachment is adherence to the constitutional monarch, and not personal devotion to the man. While he is king according to the law, they venerate him as the palladium of their liberties: if he endeavours to become more, they will not only withdraw their respect and veneration, but their allegiance also; they will, if necessary,

necessary, depose the monarch to preserve the monarchy *.

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“Government,” says Mr. Burke, “is a contrivance of human wisdom.” Would any body have conceived this position liable to controversy? But Thomas, with wonderful misapprehension, confounds *government* with the *persons* exercising it—the play with the actors—the ship with the pilot—the bellows-blower with the organ—and then triumphs in his own mistake for three pages together. “Admitting,” says he, “that government is a contrivance of human wisdom, hereditary succession can make no part of it, because it is impossible for wisdom to be hereditary.”—But the more wisdom there is in the *contrivance* of government, the less will be necessary for carrying it on. Extraordinary art and knowledge may be requisite to construct an ingenious machine which may be worked by an ass. “If,” he adds, “government be a contrivance of human wisdom, was wisdom at so low an ebb in England that it was become necessary to import it from Holland and from Hanover?”—With a man that cannot or will not distinguish between the govern-

* Though Thomas extols the French constitution for the purpose of destroying ours, he disapproves of both. In the last summer he published in the papers a challenge to the abbé Sieyès (the member who drew up the French declaration of rights) written in the most violent style, engaging to prove that the monarchy in France ought to be entirely abolished, &c. To this challenge the abbé made a reply in the same papers; to which I have not heard that our author ever rejoined.

ment

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ment and the *person of the king* it is impossible to argue; suffice it then to observe, that it was a *man* and not a *government* that was imported; and that the author of the *Reflections* assuredly never meant to call either William or George a contrivance of human wisdom.

The ignorance and confusion with which our good friend endeavours (p. 70) to adopt the abolition of nobility in France to the use of England, I suspect to be in part affected. Though he did not know the meaning of the word *aristocracy* himself, every dictionary would have told him that it signifies simply (as its original sense imports) *the government of the better sort*; a word never used in a bad sense, to express any tyrannical exercise or abuse of power, before Mr. La Fayette and Paris fishwives. The Gothic feudal government of France no more resembled an *aristocracy* than the parliament of Paris did the Roman senate. “The French”, cries Thomas, “say there shall be no titles; and of consequence all that class of equivocal generation which in some countries is called aristocracy, and in others nobility, is done away, and the peer is exalted into the man.”

I have said before, and I again repeat it, that the territorial jurisdiction and the privileges and immunities of the feudal nobility appear to be wholly inconsistent with that *equality in the sight of the law* without which there can be no civil liberty, or free constitution. But what then? It does not therefore follow, that in great, rich, commercial, extensive

tenfive empires the *optimates*, the better sort, are to be excluded from a fair determined share in the government, such as their weight and interest and consequence entitle them to expect and demand*, and which their influence at the long run will always enable them to acquire; or that, because a feudal tyranny is to be destroyed, a democratical republic is the only government that can be substituted in its place! Our ancestors judged more wisely; they abolished, not violently and at once, but by degrees, the oppressive parts of the feudal system, and retained the good, for some good this system with all its faults certainly had. The laws of *honour*†, of such universal force, binding kings and disgracing princes, which derive their existence from this system, are a great and valuable acquisition to society‡. To state, as our Thomas does, that the actual nobility of England at all resembles the nobility which has been abolished in France, is

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* “ There are always in the state persons distinguished by their birth, or riches, or honours; but if they were confounded with the rest of the people, if they were reduced to a single voice, the common liberty would be their slavery; and *they would have no interest to defend it, because the greatest part of the general resolutions would be against them.*” *Esp. des Lois*, liv. xi. chap. vi.

† When the author of the *Reflections* speaks of this *unbought grace of life, the cheap defence of nations; the nurse of manly sentiments*, &c. Thomas Paine asks with great *naïveté*, “ if any body can tell what he means?” This is perfectly in character.

‡ See *Esp. des Lois*, liv. xi. cap. viii. See also what is said of feudal government in the chapter upon the English constitution at the end.

utterly

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utterly false and absurd : they differ *toto cælo*. We have an aristocratical legislative and judicial senate or assembly, but no feudal body of nobility. They had feudal nobles, but no aristocracy. France was divided into two distinct classes, separated like Dives and Lazarus by an impassable gulf : but the laws of England acknowledge but one *class* of men ; for the two or three hundred persons forming the house of peers are not a *separate class of citizens*, but a legislative judicial senate, accorded and subordinate to the law of the land ; instituted for the *public utility* ; to which all ranks are equally admissible ; having by the law some personal privileges, as well as the representatives in the *lower house*, to secure their attendance on their duty in parliament ; but no territorial jurisdiction or power in the individual whatever.

Except in the determined number of persons forming according to law the upper house of parliament, all titles are mere matter of courtesy, unknown and unacknowledged by the law ; so that when we speak of a peer of the realm, or a lord of parliament, we do not, as this man foolishly asserts, “ speak of a chimerical non-descript,” (p. 71) “ but we *do* associate with it the idea of office and “ character, just as much as when we speak of a “ judge or a general.” And this body is supplied not exclusively out of patrician families, as the Roman senate was at first, but indifferently from all orders ; and persons of the least illustrious extraction are frequently raised to the peerage for
I their

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their knowledge in the laws, to direct the judicial proceedings, or for any other eminent public merit or service. As to the old feudal names of duke or baron, originally military among the Germans, and afterwards territorial under the Gothic system, they were as good as any others to be applied to “*distinctions founded on public utility*,” they were ready at hand, and had besides the advantage of ancient custom and popular opinion in their favour. And to the objection, “that they are not to be found in the vocabulary of Adam,” I answer, that however forcible this objection may be, this author has no right to make it, because it is equally strong against the titles of *exciseman* and *secretary*, with which we are told he has himself been decorated. And the *manners* are accordant to the political institutions. The lower sort pay very willing respect to persons invested by the law with these high legislative and judicial trusts; but let the first peer in the land insult the humblest mechanic, let him if he dares lift up his hand against him, and both law and custom put them instantly upon an equality. The peer may and probably will be chastised by the mechanic first, and afterwards punished by the law for having provoked the chastisement*.

* If rank and office have their dignity, worth and talents are no less respected. A *Cook* or a *Howard*, a *Wedgwood* or a *Bolton*, a *Hunter* or a *Priestley**, will command more consideration and attention than a stupid or profligate lord or privy counsellor.

* The experimental philosopher, not the politician.

But

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But Messieurs Paine, La Fayette, and Co. see nothing of all this.—“ In France” (they say) “ aristocracy had one feature less in its countenance than what it has in some other country—“ It was not *a corporation of aristocracy*, for so I have heard M. de la Fayette describe an English “ house of peers.”—These great men consider the admission of the better sort to a determined representative share in the government, as a greater evil than all the oppressive jurisdiction and exemptions and immunities and personal tyrannies of the feudal system. That such men should think so, or say so, is perhaps nothing extraordinary ; but it would be extraordinary indeed if they were to persuade one man of common reason to be really of this opinion.

The cause of the expulsion of the nobles temporal and spiritual in France is to be looked for in their justly obnoxious privileges and powers, and their (perhaps consequent) want of personal character ; and not in any natural inclination of the people to abstract philosophical principles of equalization, which they are with difficulty brought to understand. To abolish the *tyrannical powers* and *unjust immunities* of the nobility and clergy was an essential point, a *sine quâ non* to a free constitution under any form ; and these patricians, by making their choice to stand or fall with their arbitrary privileges, and the arbitrary power of the crown, necessitated their own destruction. How utterly inadmissible they were into a free country as *citizens*, their subsequent conduct as *noblemen* has fully

fully evinced. Had they submitted to *equality in the sight of the law*, that law could have protected them in the secure enjoyment of all the natural advantages arising from property and personal weight: could they have been made friendly to the liberties of their country, it would most probably have been deemed wise to give them an interest in their preservation: but such was their attachment to the hateful principles of arbitrary government, that they preferred becoming the pensioners and dependants of electors and subordinate despots to being the first citizens of one of the first countries in the world. The warmest admirers of the happy balance of the British constitution must allow that such men could with no safety be admitted to a share in a government to every principle of which they were the declared and determined enemies; and their pride and pusillanimity, wanting wisdom to conform and courage to resist; their desertion of their post, as inconsistent with the honour of brave gentlemen as their opposition to a free constitution was to the virtues of citizens, has done more to bring the name and character of a nobleman into discredit than all that has been said against them by all the Thomas Paines that ever have written. To compare the constitutional nobility of England with these little tyrants, to contrast their conduct in the revolutions of their respective countries in 1688 and 1788, is sufficiently to answer those who ignorantly or wickedly endeavour to confound them under any common title

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or description. In England the principal men of the nation were the projectors of the revolution, the leaders of the people, the assertors of popular claims, the framers and maintainers of the declaration of rights. In France they denied that the people had any rights. In England the nobles and *optimates* are hospitable lords, dispensing plenty and content over their ample domains, beloved and followed by freemen with voluntary, natural, hereditary attachment. In France they were oppressors, cursed, and reluctantly obeyed. In England their powerful influence rests upon reciprocal benefits and mutual good-will. In France they are detested, abjured, and expelled, never more to be restored.

In the same spirit of dulness he goes on to quote and misunderstand the following passage from the *Reflections*: “The *rights of men* in government are
“their advantages; and these are often in balances
“between differences of good; and in compromises sometimes between good and evil, and
“sometimes between evil and evil. Political reason
“is a computing principle;—adding—subtracting
“—multiplying—and dividing, morally, and not
“metaphysically or mathematically, true moral demonstrations.”

This clear passage, which I should have thought it an insult to the understanding of my readers to attempt to explain, obviously means no more than that the best government is that which offers the most advantages to the community; and that, in

forming such a government, great wisdom is necessary to compute, and balance, and combine the good and evil materials which the legislator is obliged to employ. But this plain undeniable common sense is, it seems, to Thomas Paine “learned jargon,” which however he undertakes to interpret, because he understands jargon; and he takes the meaning of it to be *that government is governed by no principle whatever; that it can make evil good, or good evil, just as it pleases. In short, that government is arbitrary power.*—If this is not jargon, and not “learned” but ignorant jargon, what is it?—When such a writer sets up for a government-maker, he certainly does well to contend that government shall not be *a contrivance of human wisdom.*

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He proceeds to exult over the English government as without “origin” or “authority,” and triumphantly exclaims—“A thousand years hence “those who shall live in America or France “will look back with contemplative pride on the “*origin of their governments*, and say, This was “the work of our glorious ancestors.” But let those who think it worth while ask him in what the origin of the government of France differs from the origin of the government of England?—If of the monarchical part, how Pharamond or Clovis are better than William of Normandy?—If of the popular part, how the deputies of the *tiers état* in 1789, protested against by the deputies of the other descriptions of the nation, came by

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a higher authority to form the French declaration of rights than was possessed by the convention of the nation in 1688, with the assent of all orders, to form the English declaration of rights? What will be the sentiments of the French or Americans a thousand years hence I don't know; but I know that after a hundred years every Englishman deserving the name does now "look back with contemplative pride" on the re-establishment and ratification of the constitution at the revolution, and pays from his heart the tribute of gratitude to those glorious ancestors by whom it was asserted and maintained. I say nothing of America, because I have not yet heard that a federative republic has been proposed for our imitation.

That a federative republic *founded on commerce*, if it is not at present, must soon become an aristocracy like that of Holland, may be easily foretold. By the royal and dictatorial strain used by Washington at the opening of the congress, exactly formed upon the model of correspondence between the king and the parliament in England, they seem to be already in possession of a stadtholder.

"*Rights of man*" professes to be a commentary upon the French *declaration of rights*; but many of the extravagant and absurd doctrines laid down in the commentary do not result from the text. The *declaration* is to be taken as *a whole*; determining the deductions, as well as the premises; in which the abstract positions are not to be separated

parated from the practical inferences. Though by taking for their ground the abstract nature and origin of man, of which we can know but little, instead of his passions and affections, and feelings and necessities in society, of which we may know a great deal, the authors of this declaration may have narrowed and weakened their foundations; yet it must be granted that the practical positions are for the most part sound and true. All that is real may be safely admitted; all that is theoretical is at best doubtful and controvertible. To explain my meaning, I will first examine the abstract notions, and then the practical institutions of this celebrated *declaration of rights*: and in this examination, I think, it will appear, that all the advantages asserted, as pretended consequences deriving from these abstract rights, we have long been in full possession of, under the English government.

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I. *Men are born, and always continue, free, and equal in respect of their rights: civil distinctions therefore can be founded only on public utility.*

Theorems, which are to serve for fundamental principles, should be undeniably proved, and consist of terms perfectly defined. Instead of this, we are here presented with a proposition, consisting of two parts, but distantly connected with each other: the first so general as to be almost unintelligible, false if taken in fact, and problematical in theory; and the second, narrowed at once to the consideration of a particular subordinate regulation,

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which happened at that moment to stand in the way of the pretensions of the deputies of the *tiers état* to assume the whole powers of government.

Before the truth of the first part can be admitted or denied, it would be necessary to affix some precise idea to the terms of which it is composed. When it is stated, as a *maximum*, that “men are born, and always continue, *free*,” we should at least have been informed what is intended by the word *free*. “There is no term,” says Montesquieu, “which has received more various significations, or has struck men’s minds in so many different manners, as the word *liberty* *.”

Political

* This is the rest of the passage :

“Some have taken it for the facility of deposing the persons to whom they had given a tyrannical power ; others, for the facility of electing those whom they are to obey ; others, for the right to be armed, and the power of exercising violence ; some, for the privilege of being governed by a person of their own nation, or by their own laws. A certain people, for a long time, took liberty, for the custom of wearing a long beard. Some have attached this name to one form of government, and have excluded from it all others. Those who have a taste for republican government have placed it in that government ; those who have enjoyed a monarchical government have given it to a monarchy. In short, each have bestowed the appellation of *liberty* on the government most conformable to their customs and their inclinations ; and as in a republic men have not always before their eyes, and in so pressing a manner, the instruments of the evils of which they complain, as the laws appear to speak more, and the executors of the law appear to speak less ; it is common to place it in republics, and to exclude it from monarchies.

“And

Political liberty is indeed afterwards defined in this declaration, to consist of “the power of doing Sir Brooke Boothby.
“whatever does not injure another as limited by the
“law.” But this sort of liberty growing out of the established law, and bespeaking therefore the pre-existence of legal government, cannot be the same with the natural and original freedom of man, here declared to be one of his “*sacred, unalienable, imprescriptible rights*” previous to the establishment of all government. “*The principle which is to direct the claims of the citizen,*” must be a different thing from the result of the laws formed in consequence of these claims. When *liberty* is declared in one place to be “*a natural, imprescriptible right of man;*” and in another to be “*a power limited by law;*” two different sorts of liberty must be meant; and the distinction not being marked, there is a confusion of *natural liberty* with *civil liberty*. To make the same thing the origin and principle of law, and the result and consequence of the laws, is a vicious circle. So that when it is asserted, speaking of Frenchmen or Europeans, that *men are born, and always continue, free, and equal in respect of rights*, the liberty spoken of is not *natural liberty*, because under every government natural liberty must have been

“And as in democracies the people appear to do pretty near
“what they will, liberty has been considered as belonging peculiarly to that sort of government, because the power of the
“people has been confounded with the liberty of the people.”

Esprit des Lois, l. xi. c. 1.

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already given in exchange for the benefits of society; and it is not *civil* liberty, because civil liberty, depending upon the laws, cannot exist before the laws—What liberty then is it?

The *equality* of the rights of man is subject to the same difficulties. If this equality is asserted to be a natural right, *previous to the institution of society*, the contrary assertion is still more probable; for in a pure state of nature, right and power seem to be perfectly equivalent terms; producing a system of inequality, rather than of equality*; *and in society* (as is immediately afterwards stated in this very proposition) civil distinctions must be founded, not on natural rights, but on “*public utility*.”

The second part of this grand political problem, this corner-stone of the immense edifice of universal government, is nothing, either in substance or authority, but the declaration of a particular body of men, in regard to a partial regulation, upon which their own authority happened at that moment to depend. As a general position, the term should obviously have been *civil institutions*, comprehending every kind of civil establishment as well as that of personal *distinctions*; but then it could not have served the particular turn for which it was fabricated. Before the deputies from the *tiers état* to the states-general could pretend to any right

* Among the gregarious or domesticated animals, there is no equality—the strongest stag is master of the rut, and the stoutest cock lord of the dunghill.

to declare their body to be the only representatives of the nation, it was necessary to vote away the *civil distinctions* upon which the claims of the other branches of the states were founded. So that we have here a part of an assembly, deputed by a part of the nation, founding its authority upon its own declaration, and giving itself universal dominion by its own vote. It first declares that all civil distinctions can only be founded on public utility, and then assumes to itself (the highest of all *distinctions*) the exclusive right of declaring in what public utility consists; and, as might easily be foreseen, resolving that it consists in placing the whole powers of the state in their own hands—and this declaration, dictated by personal interest, and directed to a partial purpose, is proposed to us as a universal principle “of divine origin;” *of more value to the world than all the laws and statutes that have yet been promulgated.*”

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II. *The end of all political associations is, the preservation of the natural and imprescriptible rights of man, and these rights are liberty, property, security, and resistance of oppression.*

This theorem is as obscure and indefinite and disputable as the last. It is at least as probable to say—“That the end of all political association is “the happiness and well-being of men in society; “and that liberty, property, &c. are to be preserved as far as they contribute to the general happiness.” Besides, the terms *liberty, property,*

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cations.

Liberty is one of the *means* of happiness, but not happiness itself. It is only good, as it gives the power of enjoying the good which we possess; where there is nothing to enjoy, it is useless; where it can only be employed in doing evil to ourselves or others, it is pernicious. A man cast away upon a barren rock would willingly exchange his liberty for confinement in the king's bench prison; and to shut up an idiot or a madman, is an act of humanity. Civil liberty, therefore, consists as much in the restraint as in the exercise of natural liberty, and must be considered as secondary to happiness, and made subordinate to all laws and institutions for the good of the whole; lest, by sacrificing every thing else to its preservation, it should become nothing but the permission to be miserable. "Li-
" berty," says Rousseau, " must always follow the
" fate of the laws; it must reign or perish with them."

How exclusive *property* derives from the natural rights of man, I think it would be more than difficult to shew.

Security is also here a very vague term. Security from external enemies depends upon the relative strength and courage of the nation: security upon each other, upon good morals and strong laws powerfully enforced. " It is the *strength* of the
" state," says Rousseau, " which makes the secu-
" rity of its members."

And

And to call *resistance of oppression* one of “ the
 “ ends of political association,” seems little less
 than nonsense. In civil society the natural right
 of resisting particular oppression is transferred from
 the individual to the laws ; and for the government
 to pre-suppose in itself an intention to oppress the
 people, and to establish a right and power to resist
 its own decrees, seems quite absurd.

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III. *The nation is essentially the source of all so-*
ciet, nor can any individual or any body of men be en-
titled to any authority which is not expressly derived
from it.

We are somewhere told, that Philip the second's
 fool said to him, “ If all your subjects were to
 “ take it into their heads to say no every time you
 “ say yes, and yes every time you say no—where
 “ would be then Philip ?” If this sort of consent is
 here alluded to, certainly no law or power or sove-
 reignty can exist any where without it : but if an
expressed assent is intended, the assertion is subject
 to infinite difficulty. Is it asserted of what *is*, or
 of what *ought to be* ? What is meant by the *na-*
tion ? Every individual collectively, or a majority
 of them only ? If the former, how is the opinion
 of each to be collected, so as to form a general opi-
 nion ? If the latter, how is the majority to be as-
 certained ? Is a majority of one voice, for instance,
 to give half the nation a power to control the
 other half ? These are not mere substitutes, but
 essential to understanding what is here meant to
 be established. And this position after all, under-
 stand

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stand it how you will, amounts to no more than that a *democracy* is the only legitimate form of government; a point that ever has been and ever will be subject to eternal dispute, which assuredly neither the French abbé nor the American ex-secretary are commissioned to determine. In the mean time, individuals and bodies of men will every where remain entitled to all the authority given to them *by the laws for the public utility*, as long as they receive the obedience, which is the tacit consent of the people, whatever is the form or may have been the beginning or original source of the government.

IV. *Political liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man has no other limit than those which are necessary to secure to every man the free exercise of these RIGHTS; and these limits are determinable only by the law.*

V. *The law ought to prohibit only actions hurtful to society. What is not prohibited by law should not be hindered, nor should any one be compelled to that which the law does not require.*

These two articles taken together are reducible to a short form—"That good government consists
" in just and equitable laws; and political liberty
" in the power of doing whatever is not prohibited
" by the laws."—Q. E. D.

But the good abbé, by introducing *natural rights*, and confounding them with *civil liberty*—the principles of government with the operations of the law—

law—has contrived to render these plain truths involved and obscure.

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VI. *The law is an expression of the will of the community. All citizens have a right to concur either personally or by their representatives on its formation. It should be the same to all, whether it protects or punishes: and all, being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.*

The definition of the law contained in the beginning of this article is at best vague and incomplete. A complete definition is exclusively applicable to the thing defined, and to nothing else; but every *expression of the will of the community* is certainly not a *law*: there may be an *expression of the will of the community* for war, or for peace; for the removal of a minister, or for the reform of any particular abuse; and though the *expression of the will of the community*, when strong and general, will and ought to be effectual for these purposes, this *expression of the will of the community* does not constitute and cannot be called a *law*. And this definition fails, not only in the want of general application, but in the want of general truth: for, except in a simple democracy, the law never is or can be *the expression of the will of the whole community*; but the expressions of the wills of that part of the community delegated or otherwise appointed for the purpose of framing laws.

A *law* may perhaps be defined to be “a general,
“ promul-

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“ promulgated regulation, for the benefit of the community; enforced by the powers of the laws;” and *the law* to be “ the aggregate sense of all these regulations :” and the assent of the people to the laws is proved by their obedience to them.

The same confusion of the right of making laws with the power of executing them, and with the justice of their principle, is continued through this article. Let us endeavour to disentangle them.

The established and existing law, whatever may have been its origin, is only an *expression of the will of the whole community*, as it is assented to by tacit acquiescence; otherwise it would be necessary for every successive member of the community to express his formal consent to each of them respectively.

When it is said that “ all *citizens* have a right to concur either *personally* or by their *representatives* in the formation of every law,” two modes of legislation, varying most essentially from each other, are proposed as equivalent, and of indifferent choice. According to the principle here laid down, the right of choosing whether he will legislate in his own person or by deputy must always continue personally to reside in each individual citizen. The will of each and every one must therefore be clearly and expressly announced before, in this view, any body of delegates can be considered as a complete representation of all, and competent to dispose of the general volition. Nay more, these citizens may resume the power of legislating personally whenever

whenever they please, or separate themselves into several communities, each legislating in its own manner, if they cannot agree upon any common mode ; so that, according to this principle, no fixed or permanent government can ever be established* ; and the word *citizen* is employed to signify a member of the community, before the formation of its constitution or form of government ; whereas the sense of the word depends upon its relation to some previous established order of things ; and has therefore never been the same in any two governments that have existed.

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That *the law should be the same to all*, is self-evident ; for a rule that does not bind the whole community is not *a law*, but a partial regulation. The arbitrary decree of a tyrant is a commandment, and not a law.

That *rewards and punishments ought to be equally dispensed*, is also obvious ; because they are dispensed by the law. But though *all men are equal in the sight of the law*, it does not therefore follow, that *all men are equally eligible to all honours, places, and employments* ; because these, not being amongst the natural rights retained under the new sanction of society, no man has any claim upon them in right of his *abilities, or virtues, or talents*—because they

* Upon the 22d of December, 1791, on the king's rejection of the decree against the non-juring ecclesiastics, a member of the national assembly actually moved to propose the decree to be sanctioned by the electors of the eighty-three departments ! and the municipality of Mayenne executed the decree, notwithstanding it did not pass into a law !

are

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are seldom calculated as *rewards*—because they are not conferred by the *laws*, but by the persons executing the government under the laws; and because, according to the very principles laid down here, *distinctions* are exceptions from the natural equality of man, to which no man can claim any right, and which can therefore *be only founded on public utility*; and being created by society for its convenience and advantage only, are to be given in the way most likely to contribute to the end for which they were instituted, without regard to any other consideration *.

VII. *No man should be accused, arrested, or held in confinement, except in cases determined by the law, and according to the form which it has prescribed* (copied from our great charter). *All who promote, solicit, or execute, or cause to be executed, arbitrary orders, ought to be punished, and every citizen called upon or apprehended according to the law ought immediately to obey,*

* D'Alembert gives a good reason why distinctions must be given to birth and fortune, rather than to talents.

“ Les hommes ne pouvant être égaux, il est nécessaire pour
“ que la différence entre les uns et les autres soit assurée &
“ paisible, qu'elle soit appuyée sur des avantages qui ne puissent
“ être ni disputés ni niés : or c'est ce qu'on trouve dans la
“ naissance & dans la fortune.” *Essai sur les Gens de Lettres.*

In another place he adds, “ Quand l'auteur (Montesquieu)
“ parle de l'égalité dans les démocraties, il n'entend pas une
“ égalité extrême, absolue, et par conséquent chimérique ; il
“ entend cet heureux équilibre qui rend tous les citoyens
“ également soumis aux lois et également intéressés à les ob-
“ server.” *Analyse de l'Esprit des Lois.*

and

and renders himself culpable by resistance. That is, Sir Brooke
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translated into common language, the laws ought to be obeyed, and those who resist the laws ought to be punished.—Q. E. D.

VIII. *The law ought to impose no other penalties but such as are absolutely and evidently necessary; and no one ought to be punished but in virtue of a law promulgated before the offence, and legally applied.*

The first part of this article prescribes a just and humane regulation of penal laws; the second may admit of a doubt*.

IX. *Every man being presumed innocent till he has been convicted, whenever his detention becomes indispensable, all rigour to him more than is necessary to secure his person ought to be provided against by law.*

It were well if this article were engraved upon the walls of every legislative assembly-room, and every court of criminal judicature in the world.

X. *No man ought to be molested on account of his opinions, not even on account of his religious opinions, provided his avowal of them does not disturb the public order established by law.*

Dictated by reason and common sense.

XI. *The unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely,*

* “L’usage des peuples les plus libres qui aient jamais été
“sur la terre me fait croire qu’il y a des cas où il faut mettre
“pour un moment un voile sur la liberté comme l’on cache
“les statues des dieux.”

Esp. des Lois, l. xii. c. xix. sur les Bills appelés d’Atteindre.

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provided he is responsible for the abuse of this liberty in cases determined by the law.

Equally reasonable and true.

XII. *A public force being necessary to give security to the rights of men and of citizens, that force is instituted for the benefit of the community, and not for the particular benefit of the person with whom it is entrusted.*

A truth.

XIII. *A common contribution being necessary for the support of the public force, and for defraying the other expences of government, it ought to be divided equally among the members of the community according to their abilities.*

Another truth.

XIV. *Every citizen has a right, either by himself or his representative, to a free voice in determining the necessity of public contributions, the appropriation of them, and their amount, mode of assessment, and duration.*

The right of the people, by themselves or their representatives, in every free government, to propose and assent to taxes, or in other words to tax themselves, seems to be consequent upon one of the fundamental principles of all civil society—*security of property*. Society having originally guaranteed to every man this property, cannot afterwards touch it without his consent; and taxes being nothing more than a general contribution for the public advantage, the people have a right to judge for themselves, whether the benefit proposed be equal to the tax proposed, and to make the purchase or not as they see fit. And this is
a right

a right of which the people ought to be above all others tenacious; for a nation that submits to be taxed at the will of persons benefited by the tax, and not paying the tax, hold their liberty * on a very precarious foundation.

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XV. *Every community has a right to demand of all its agents an account of their conduct.*

This position is too vague and general to convey any practical or precise idea. What is meant by a *community*? the whole nation; or any particular body of men incorporated under the law? Does it mean that the people have a right to call their representatives to account; or that the legislative power possesses this right over the executive power? Or does it mean no more than that all public officers ought to be amenable to the laws for misconduct?

XVI. *Every community in which a separation of powers and a security of rights is not provided for, wants a constitution.*

As every constitution consists in the distribution of the different powers, and in the laws giving and securing rights, the general truth of this position cannot be denied; but this *separation of powers* ought surely to have been farther explained: a popular *declaration of rights* ought to be intelligible to all, and very few I believe will understand what is meant by a *separation of powers*. "All is lost," says Montesquieu, "if the same man, or the same

* Nothing has ever appeared to me more just than the cause of resistance in America.

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“ body of the principal men or nobles, or of the
“ people, exercise the three powers, that of making
“ laws—that of executing the public resolutions—
“ and that of judging the crimes and differences
“ of particulars.” Were the framers of this de-
claration afraid to explain themselves on this im-
portant subject ?

If a *separation of powers* is so essential to the *ex-istence of a constitution*, why was not the principle of this separation laid down among these funda-mental positions ? Are we not led to suspect from this silence, that the national assembly meant to come to this separation as late and as little as might be found possible ? Would to God the ex-ecutive and judicial powers daily exercised by the legislative assembly did not give too much force to this suspicion * !

XVII. *The right to property being inviolable and sacred, no one ought to be deprived of it, except in cases of evident public necessity legally ascertained, and on condition of a previous just indemnity.*

This article, so far from being evidently true as a general position, or consequent upon what has gone before, has, I think, a suspicious aspect. *If the right to property is inviolable and sacred*, by what sort of *legality* is that public necessity to be ascertained by which its inviolability and sacred character at once cease ? or to whom is the right

* In December 1791, one Le Tailleur had his house violated, and his person and papers seized, by an order from a committee of the national assembly.

to be entrusted to suspend or take away rights that are declared inviolable and sacred? I know that in free governments the legislature sometimes obliges individuals to sell some small parts of their property to procure some great public convenience; but I confess I have always considered the exercise of this power rather justified by the smallness of the injury, than by any principle of justice. The principle laid down in this article is besides evidently in contradiction with that of Article XIV.

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I think I have shewn, that in this *declaration of rights* the abstract philosophical principles are all at best problematical and obscure; but the danger of their uncertainty is for the most part obviated by the practical application of them—the *real* claims. And there is not one of these real claims which every Englishman will not instantly recognize as his constitutional right “inherited
“from his fathers, and settled upon his children.
“That all men should be equally bound by the
“law—that every man should have the power
“of doing every thing which the law does
“not prohibit—that no man should be impri-
“soned or otherwise molested but as the law
“prescribes—religious toleration—liberty of the
“press—that taxes should be equally laid, and
“laid by the representatives of the people—that
“the agents or ministers of the government should
“be amenable to public impeachment—the in-
“violability of private property”—are all the long-
established rights of Englishmen.

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The foundations of our constitution are deep and strong : they are laid in education and habit, in manners and religion, in custom and opinion ; they are farther strengthened by our sentiments and affection, by respect and veneration, by filial piety and parental regard, by patriot pride, and public honour and national glory. The British constitution, like her native oak, the symbol and the instrument of her naval pre-eminence, strikes its roots as deep into the earth as it extends its branches towards heaven. The storms of faction or the blasts of arbitrary power may agitate its head, but cannot disturb its basis. After contending with a world in arms, it still flourishes in full vigour and beauty ; and will remain to give shelter to generations yet unborn.

The foundation of the new government in France is, I fear, neither so deeply laid nor constructed of such solid and durable materials. By fixing their constitution upon disputable abstract notions, such as the *natural and original equality or unity of man*, they seem not only to have taken sandy and fluctuating ground, but to have laid their foundations as it were above ground ; open to every injury, and exposed to every attack. In societies, such as they are, and must ever be, where commerce and the arts and the consequent inequalities of fortunes and conditions exist, the practice will remain at perpetual variance with these principles ; which cannot therefore by any mellowness of time be brought to mix or assimilate
with

with the common feelings and opinions of men. Instead of uniting the existing forces in one *focus*, they are placed in eternal opposition and contention with each other. It is made the permanent interest of the powerful to destroy, and of the rich to corrupt; and consequently of the people to remain in a perpetual state of warfare *.

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Boothby.

The

* The following melancholy picture of the actual state of this *regenerated* nation was exhibited at the *Jacobin* club on the 18th of December, 1791, by Mr. Rhæderer, one of the principal managers of the revolution, and a leading orator in the constitutive assembly —

“ We have not peace; and yet we have not begun the war.

“ We are at war; for the rebels without are in arms, are organised in legions; for they have declared chiefs; for these chiefs have published manifestoes.

“ We are at war; for Frenchmen are vexed and insulted in all the neighbouring nations.

“ We are at war; for what are our revolted priests, what are our anti-patriot clubs, but disguised sections of the army at Coblenz?

“ We are at war; not indeed at open war, and why? because we are undermined, because we are insulted, because we are outraged, with the same impunity as if we were already conquered; because to treat us as vanquished it is unnecessary to be at the risk or trouble to vanquish us.

“ What is the peculiar characteristic of this war? Is it simply a foreign war? a war of king against king, or even of people against people? No; it is a war of man against man, of Frenchman against Frenchman, of brother against brother, combined with a war of prince against nation. It is a civil war combined with a foreign war.

“ It is a war of nobility against equality, of privilege against the common condition, of all the vices against public and private morals, of every sort of tyranny against every sort of liberty and security.

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The only government we read of, which took the natural equality of man for its basis, is the republic of Sparta ; and there the equality was not abstract and nominal, but real and effectual. Lycurgus saw that the *equality of man* could not consist with inequality of possessions. He therefore vested all property in the community, abolishing exclusive property in individuals ; and, to prevent all possibility of acquiring personal riches, he forbade the use of silver and gold, and the introduction of commerce and the fine arts. All men received a common education at the public expence, were clothed alike at the public charge, and served with the same food at public tables ; and

“ The most dangerous party of our enemies are in the very midst of us ; they are masked and disguised. The patriot may easily distinguish them by certain signs and tokens which betray the aristocratist ; but the law confounds them ; and the constitution of which they are the enemies assures to them all the liberties established for citizens ; the liberty to write, to speak, to go and come ; the liberty of religious worship ; all the liberties which the constitution guarantees to all those who engage under it, are shared by those who abhor the constitution, and made use of by them against it ; our enemies find in the constitution itself their arms against the constitution. The constitution is the arsenal of the counter-revolution.

“ This, gentlemen, you perceive is an absurd and destructive order of things ; but as long as what is called peace continues, so long must this evil endure in activity.”—

When a mathematician, after working his diagram, finds the produce to be an absurdity, he returns back from whence he set out, certain that there is an error somewhere. If the revolution has generated an *absurd and destructive order of things, only to be cured by war*, does not Mr. Rhœderer begin to suspect that there has been want of wisdom in its direction and conduct ?

the

the importation of philosophers was strictly prohibited.

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Boothby.

To keep in view and give constant action to that sentiment which was wholly to convert the man into the citizen, a general public discipline, and a very severe one too, was instituted; and every citizen of man's estate was equally charged with the care of the legislative government, which he was not allowed to delegate the use of to another, but actually executed in his own person; and he was not only eligible to all public offices and employments, but bound to execute them. Here the principle and the practice were in perfect unison. And what was the immediate and necessary consequence of this extreme and forced equality? The most horrible and abominable of all inequalities among men. These free and equal citizens were not ashamed to have their ordinary wants administered to by SLAVES. The *belots*, nearly twice as numerous as the citizens, were the most abject of slaves; and the cruel indignity with which they were treated became proverbial over all Greece.

If civil equality could not be established in an order of things where every thing was sacrificed to it, without despoiling another race of people of their humanity; if to prevent the distinctions of high and low it became necessary to institute the distinctions of master and slave; how can the equality of man in society be made the principle of a government, admitting the most essential and operative of all inequalities, the inequality of fortunes

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tunes and possessions? In such a government the principle and the practice must remain a perpetual existing contradiction. Wherever there is a right of exclusive property, where it is allowable to accumulate the established signs of traffic, where commerce and the imitative and ornamental arts are cultivated, men must be divided into rich and poor; the original and inexhaustible sources from which all other civil distinctions spontaneously and necessarily flow.

Rousseau has very truly observed, that to enrich one man many must be impoverished; so that the number of the relative poor will always much exceed that of the rich. Now if ever the principles laid down in the "Declaration of the Rights of Man and of Citizens" should come to be understood in the sense and to the extent given to it in Thomas Paine's pamphlet, that moment will this *natural majority of the nation* be authorised to assemble in a body, and to address their "national constitutive assembly," or their "national legislative assembly," or any other assembly of their delegates, in the following language:—"You have told us that 'all men are born equal, and always continue equal in respect of their rights—that the equal rights of man are imprescriptible and divine.' But when you tell us that our rights are equal, without giving us the benefits and advantages naturally resulting from equality of rights, you are either ignorant or weak, or cowardly or insincere. If we have a right to equality, give it us ;

us; if we have not, do not mock us with vain claims which you cannot or will not realise. This is adding insult to injustice. Upon your own principles, what right have any among you to arrogate to yourselves an unequal share of the good things of the world? Every time you drive to this assembly in a warm easy carriage, while the man behind is drenched with the rain or benumbed with the cold, you are guilty of a gross and palpable violation of the *equal rights of man*; and whenever you sit down to a luxurious and superabundant table, while a neighbouring family are in want of a decent and sufficient meal, your constitution suffers a temporary suspension. You have abolished personal distinctions, which were nothing, and have left untouched the real and effectual distinctions of poor and rich, from which all the rest are ultimately derived and supported. How dare you, under the pretence of *the equal rights of man*, make laws and issue decrees to maintain the most flagrant and grievous of all inequalities? If men are born equal, and derive their equal rights immediately from God, by what sort of impious right does any man lay claim to an unequal share of the common benefits given by the common father equally to all his children? What right has any man to plant a hedge or build a wall to exclude another from the general gifts of nature? You have acknowledged our equal rights, and have left us with all the wants and distresses and hardships belonging to the worst degree of inequality.

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lity. If the goods of the world were before unequally distributed, at least they existed in the country, and a portion of them might be obtained by industry and ingenuity: but, instead of equalising the possession, you have only lessened the quantity; you have impoverished the rich without any benefit to the poor; instead of bettering our general condition, you have made it worse; instead of feeding us with real beef and porter, you would satisfy our necessities with a mouthful of moonshine. By what sort of consent your pretended delegation was at first established; by what authority we were ever obliged to delegate our right of legislating for ourselves to any man or number of men, instead of exercising it in our own person, we will not now enquire. You will not, to be sure, deny the right we have to supersede our delegation, and legislate for ourselves whenever we please*; and we claim the instant exercise of it: return to your families and occupations; we dismiss you from our service; we will at this moment legislate for ourselves. If the principle of our new constitution is to be pro-

* I here invite Mr. Paine to solve a question upon which the legality of the present constitution in France fundamentally depends.

After having declared (Declar. of the Rights of Man, article vi.) “That the law is the expression of the general will, and that
“all citizens have a right to concur *personally, or by their representatives*, in its formation”—what right had an assembly, delegated according to ancient and abusive forms, to decide, as it does (Constitut. title III. art. i.) “That the nation, from
“whom alone emanate all the powers, *can only exercise them by*
“*delegation?*”

ductive

ductive of any good, it is high time that we should begin to enjoy the fruits of it ; if our rights are equal, so shall be our possessions. We will make an equal, which is the only equitable, distribution of all things, and then we may perhaps delegate some of you again to superintend the execution of our decree ; for little legislation will be necessary when all things are in common."

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Here is the *nation in its original character*, not *delegated, but met to constitute for itself* ; guided by no rule but the *illuminating divine principle of the equal rights of man* ; and claiming by just reason a full and perfect right to all that can be made to result from this great and prolific principle. If there is any thing in the world clear, it is that these men would argue consequently, and wisely too, upon the premises laid down in *Rights of Man*. If the principle be true, let its natural and legitimate offspring be acknowledged and supported.

The republican landed and moneyed gentry of the north of Ireland have, it is said, circulated 20,000 *Rights of Man* at twopence a-piece. I recommend to their attention the following short address, which they may, if they please, dispense at a farthing.

" To all Servants, Labourers, Handicrafts-men,
" and Manufacturers.

" Now or never, my boys!

" You must know, my honest friends, that your
" masters and landlords have found out that the
" king,

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“ king, and the lords, and bishops, and parliament-
“ men, ought to be all put down, because, as we
“ are told in the holy scriptures, God has made all
“ men alike : and this is very true ; for is not one
“ man made of just the same flesh and blood as
“ another ? Are not your masters and landlords as
“ good men as lords ? and are not you as good
“ men as either of them ? To be sure you are.

“ I hope all of you have read a new book,
“ called *Rights of Man*, or else got somebody to
“ read it to you. This book shews as clear as the
“ sun at noon day, that all men ought to be equal
“ now, the same as God made them at first ; and
“ that kings and bishops, and lords and gentlemen,
“ are all downright inventions of the devil. Now,
“ my boys, God certainly no more made landlords
“ and masters than he did lords and gentlemen ;
“ and for my part, I believe the devil had a greater
“ hand in these than in the others, when I think
“ how many hard landlords and bad masters there
“ are in the world. When God had made the
“ world, he gave the fruits of the earth alike to all,
“ but the land to nobody ; and if so, is it not a
“ very hard case, when any of you has planted an
“ acre of potatoes with the labour of his hands
“ and the sweat of his brow, that he dares not dig
“ one of them to save himself and his family from
“ starving ? To be sure it is, and a very wicked
“ thing too.

“ This book also shews as plain as can be, that
“ you have no need to mind the laws, because they
“ were

“were made by men who are dead and gone ;
 “and you know very well that the dead have no
 “business at all to govern the living.

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“And then it proves that any greater number
 “of people may make any laws they please for the
 “rest ; and you are to be sure thirty or forty to
 “one against the gentlefolks ; and so may make
 “whatever laws you like.

“Now when God has made one man just as
 “good as another, are not you ashamed of your-
 “selves to be servants to your equals ? to stand
 “behind a man’s back not a bit better than your-
 “selves, while he rests his lazy a— in an easy
 “chair ? If you are not ashamed of this, I am sure
 “you ought to be ashamed of it, and to put an
 “end to it too.

“And you, day-labourers, are not you damned
 “fools to work your guts out for poor pitiful eight-
 “pence or ten-pence a day, hardly enough for the
 “tobacco and whisky, all the while that the farmer
 “(who would starve you all if he could get a
 “penny by it) makes perhaps two shillings or half
 “a crown clear profit, and the idle rascal of a
 “landlord may be five or six more, all out of your
 “work ? To be sure you are.

“Why now in this linen trade, there’s many a
 “master keeps may-hap forty or fifty men at work
 “at lousy ten-pence a-day, while he is getting as
 “rich as a Jew by your labour ; and ten to one
 “the fellow does not know how to set a loom or
 “handle a shuttle so well as the worst workman
 “amongst

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“ amongst you. Is not this a great shame? To
“ be sure it is.

“ Now, my brave boys, what you have to do is
“ quite easy. You must begin by helping your
“ masters and landlords to pull down king, and
“ lords, and bishops, and every body above them;
“ and then you must pull them down too. For
“ to be sure, if all men are equal, there ought to
“ be no such things as landlords or masters in
“ the world; and in the mean time you are no
“ better than asses if you don't bring them all to
“ an account every Saturday night, and make
“ them divide all the profits fairly and equally
“ amongst you all.

“ If you should be fools enough to help your
“ masters to pull down those above them, without
“ pulling them down too, let me tell you, you will
“ be a great deal worse off than ever, because your
“ masters will then have all the power in their own
“ hands, and may use you just as they please; and
“ I believe you know pretty well how that would
“ be. The best of them would make you do a
“ deal of work for a little pay; and many of them
“ would use you as bad as the blacks in America,
“ if they durst.”

Whether from timidity or prudence, the author
of “ Rights of Man” has not carried his principles
to their fair extent. He has left untouched a thou-
sand rights necessarily flowing from the impre-
scriptible and unalienable equality of man in so-
ciety. The right to *eat*, for example, is at least as
natural

natural and imprescriptible as the right to legislate; it is somewhat more necessary, and of as ancient and divine original; and, when dressed out in a philosophical uniform, makes, in my opinion, just as good a figure. Man is an organized entity, whose vitality consists in the action and re-action of solid and fluid parts, according to the laws of animal motion, which require to be frequently supplied and renewed by the adscition of elements taken into the mouth, masticated by the teeth, ingurgitated by the gullet, received into the stomach; and there by trituration, fermentation, and the rest of the chemico-mechanical process of digestion, prepared and assimilated for the purpose of continuing animality; and without which, by the natural and imprescriptible laws of animation, life must cease; the right therefore to *eat* is “one
 “of those natural rights which appertain to man in
 “right of his existence;” “one of those which he
 “must retain in society, because the power to execute is as perfect in the individual as the right
 “itself. It is also as ancient, and of as divine original, as that greatest of all truths the unity or
 “equality of man,” and certainly as “advantageous
 “to cultivate”—“And God said, Behold I have
 “given you every herb bearing seed which is upon
 “the face of all the earth, and every tree on the
 “which there is the fruit of a tree yielding seed:
 “to you it shall be for meat.”—“Here we are
 “got at the origin of man and the origin of his
 “rights: how the world has been governed from

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“ that day to this is no concern of ours ; every
 “ civil right grows out of a natural right, and *can-*
 “ *not invade* those natural rights in which the power
 “ to execute is as perfect as the right itself.” Hence
 it follows, that the man who appropriates to himself
 a greater quantity of the food given by God equally
 to all than is necessary for his own consumption, acts
 in defiance of the natural imprescriptible equal rights
 of man ; and that he who goes into the kitchen or
 larder of this invader of his natural rights, and
 seizes upon what he wants, acts in strict conformity
 to those rights which *society cannot invade* : and as
 to the laws against theft or burglary, they are not
 only in contradiction with the unalienable equal
 rights of man, “ but were made by men who,
 “ having ceased to be, have no longer any autho-
 “ rity in directing how the government of the
 “ world shall be organized or administered.—It
 “ is the living and not the dead that are to be ac-
 “ commodated ; the rights of the living cannot be
 “ willed away by the manuscript authority of the
 “ dead.”

That the French “ Declaration of Rights” is
 conceived in terms too abstract or general, the
 plausible system of impracticable inconsistency
 erected upon it by this *brouillon*, is an undeniable
 proof. The abbé Sieyès, who drew it-up, saw the
 immediate necessity to stimulate the people into
 action by some strong application ; and ventured
 to delude them with terms which from their gene-
 rality and indefinite nature seem to promise every
 thing,

thing, and bind precisely to nothing. But per-
 haps he did not foresee, that in avoiding one evil
 another was incurred. The real patriots had then
 to contend with an inveterate despotism ; and they
 have left their successors in the government to
 struggle with an armed and disappointed po-
 pulace, let loose at once from all the ties of opi-
 nion, of religion, of morals and manners, and an-
 cient customs. If indeed it could be proved that
 they had no other alternative, I am ready to allow
 that this situation of things, bad as it is for the
 present, is still greatly preferable to the other. An
 opportunity to overturn such a despotism as that
 of France was to be made use of at any risk ;
 for anarchy is but a temporary evil, a storm which
 must sooner or later subside into the calm of order ;
 but despotism is an established vice, a disease in
 the very marrow and vitals, prostrating the na-
 tural strength, and poisoning every source of health
 and vigour. From any danger of a relapse into this
 abject state, I hope and believe the French nation is
 free ; but when she will be put into the possession
 and full enjoyment of the noble property she has
 obtained, or whether it will ever be made the
 most of, is not easy to foresee.

To legislate according to the principles of some
 pre-conceived theory, without any regard to cir-
 cumstances or consideration of practice, is no diffi-
 cult task. But such an abstract government will
 be like an abstract coat, or an abstract pair of
 shoes, suiting no shape, and fitted to no feet. It

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is of another sort of difficulty to institute a government suited to the climate and soil and situation of a country ; to its population and extent ; its faculties and dispositions and inclinations ; to the religion and manners and genius of the people ;—to make use of things as they actually are, with the prophetic view to render them all that they are capable of becoming. A thousand legislators in the former mode have easily been found ; while legislators of the latter description have but rarely appeared, at long intervals in the successive ages of the world.

In the *regeneration* of France, ardently as I wish for the success of her glorious enterprise, I confess I can perceive no marks of those creative powers destined to give a lasting force and distinguished character to their institution. To invent abstract maxims is as easy as to engrave tables of stone ; but the manners and habits and customs and characteristic disposition of the nation, the only permanent ground for fixt opinion upon which all government must ultimately rest, seems never to have been brought into contemplation. Rousseau says,
 “ Every change in the customs of a nation, how-
 “ ever advantageous in other respects, is always
 “ prejudicial to morals. Customs are the morals
 “ of the people : when they cease to respect their
 “ ancient customs, there remains no restraint upon
 “ their passions, except the laws, which may restrain
 “ vicious actions, but cannot reform vicious men.
 “ A people who have any morals, and consequently
 “ respect

“ respect the laws, cannot be too much upon their
 “ guard against the specious and dogmatical max-
 “ ims of philosophers, which, by leading them to
 “ despise the laws and customs of their country, lead
 “ to general and inevitable corruption of man-
 “ ners.”—“ The most important of all laws, that
 “ which is written neither on marble nor on brass,
 “ but on the hearts of the people, which forms
 “ the true CONSTITUTION of a state, which acquires
 “ every day new force, which, when the other
 “ laws become ineffectual or obsolete, restores
 “ them or supplies their place, which preserves in
 “ a nation the spirit of its constitution, and insensi-
 “ bly substitutes the force of habit in the place of
 “ authority, this powerful and solid law is the man-
 “ ners, the customs, and above all the opinions of
 “ the people.”

The real patriots in France, and numerous I be-
 lieve they are, seem to be animated with as pure a
 zeal as has at any time warmed the human breast.
 But let them remember, that, with the best inten-
 tions, their honest ardour lays them constantly
 open to be practised upon by artful hypocrites or
 hot-brained enthusiasts. Let them above all be-
 ware of those who flatter their darling passion with
 too general or extravagant panegyric. Were it
 my place to offer them advice, I should earnestly
 recommend to their particular attention at this mo-
 ment, the following sage observations from their
 own immortal Montesquieu :

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“ The democratical principle is corrupted, not
 “ only when the spirit of equality is lost, but when
 “ a spirit of extreme equality is introduced, and
 “ every man will be equal with those he has chosen
 “ to command him. It is then that the people,
 “ not being able to endure the power they have
 “ confided, will do every thing themselves, deli-
 “ berate for the senate, execute for the magistrates,
 “ and deprive all the judges. In this state of
 “ things there is no more any virtue in the re-
 “ public. The people will perform the functions
 “ of the magistrates, who are no longer respected.
 “ The deliberations of the senate have no longer
 “ any weight; no more regard is therefore shewn
 “ to the senator, nor consequently to elders.—
 “ Where there is no respect for age, there will be
 “ none for fathers; husbands will merit no de-
 “ ference, and masters no submission. A general
 “ licentiousness will prevail; the restraint of com-
 “ manding will fatigue like that of obedience.—
 “ Women, children, servants, will be under no
 “ subordination. There will be neither morals
 “ nor love of order, nor in fine any virtue.

“ There is in the *Banquet of Xenophon* a very
 “ natural and simple picture of a republic where
 “ equality has been carried to excess. Each guest
 “ gives in his turn the reason why he is satisfied
 “ with himself. ‘ I am satisfied with myself,’ says
 “ Chamides, ‘ on account of my poverty. When
 “ I was rich, I was obliged to pay court to the
 “ evil-

“ evil-speakers, well knowing that they might
 “ hurt me more than I could hurt them. The re-
 “ public was always demanding from me some new
 “ sum; I could not absent myself. Since I am
 “ poor, I have acquired authority; nobody threatens
 “ me, and I threaten others: I may go or stay.
 “ Already the rich rise from their seats to give
 “ place to me. I am a king—I was a slave. I
 “ paid a tribute to the republic; now it keeps
 “ me. I no longer fear to lose; I hope to gain.”

Sir Brooke
 Boothby.

“ Democracy has then two excesses to be avoid-
 “ ed; the spirit of inequality, which leads to aristo-
 “ cracy, or to the government of one; and the spirit
 “ of extreme equality, which leads to the despotism
 “ of one, as the despotism of one finishes by con-
 “ quest.

“ As far distant as it is from heaven to earth, so
 “ far is the true spirit of equality from the spirit of
 “ extreme equality. The former does not consist
 “ in establishing that all shall command, and none
 “ be commanded, but in the obedience and com-
 “ mand of equals. It does not seek to have no
 “ masters, but to have equals for masters.

“ In the state of nature men are born in equality,
 “ but they cannot remain in it. Society deprives
 “ them of it, and they can become equal over
 “ again only by the laws.

“ Such is the difference between a regulated de-
 “ mocracy and one that is not, that in the first men
 “ are equal only as citizens; and in the latter they

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“ are also equal as magistrates, as senators, as
“ judges, as fathers, as husbands, as masters.

“ THE NATURAL PLACE OF VIRTUE IS BY THE
“ SIDE OF LIBERTY, BUT SHE WILL NO MORE BE
“ FOUND WITH EXTREME LIBERTY THAN WITH
“ SERVITUDE*.”

God forbid that this strong picture, “ *cette peinture*
“ *bien naïve*,” should ever become the portrait of
the revolution in 1790! But when we see an armed
populace dictating to the municipalities, and the
municipalities to the legislature; clubs assuming a
control over the assembly of representatives, and
the executive power without force or authority;
there is surely but too much reason to be alarmed
for the event.

I have lately had an opportunity of looking in
the faces, and listening to the discourses, of the
people of France; and under the exultation of
success, strong marks of disappointment and dis-
content may be plainly discerned. Those who con-
ducted them in the revolution ventured upon the
dangerous expedient of raising expectations impos-
sible to be fulfilled. At the same time that they
reposed the force of the government upon public
opinion only, they excited that opinion by means
that must presently fail, by promises they are un-
able to perform. They have placed their only
treasure in a fund which must necessarily sink;
and as it is the nature of the people every where,

* Efp. des Lois, l. viii. chap. ii, iii.

and

and particularly of the people in question, to love extremes, the least abasement may lead to bankruptcy. The opinion of the people is a necessary support to all government, but a bad exclusive foundation of government, because it is for ever liable to be mistaken or misled; so that such a government can have no permanency, consequently no force; and a weak government must always be among the worst of governments, let its form or denomination be what it will. Where the laws cannot be enforced, instead of protection they will only furnish additional means of oppression; they will be executed by the strong against the weak, whether by an armed populace against the higher orders, or by the higher orders against a depressed people, or by subdivisions or persons against other subdivisions or other persons, and the state will suffer the miseries of servitude without the advantages of subordination.

In all political associations, where the right to *exclusive property* is admitted as a fundamental principle, the contradictory principle of the *equality of man* cannot be admitted at the same time; and as the necessary consequences of a principle must be admitted with the principle, inequality of conditions, necessarily resulting from inequality of property, must also be admitted. Governments admitting the inequality of possessions may be divided into two sorts. In one, the owner of more land than he can occupy himself employs others to cultivate it for his benefit, upon condition of allowing

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lowing them a certain portion of the produce, adequate to the value of their labour estimated by the means of their subsistence. Here the inequality between the person who gives and the person who receives is in a great measure balanced by the mutual need they have of each other: as long as this reciprocity of interest is maintained, the inequality is but little felt; the choice and the acceptance are both voluntary, and no immediate personal dependence is established; and if the share the labourer or manufacturer is admitted to is equal to his necessities, I believe, in this state of things, the happiness which depends upon society is as equally distributed as the nature of society admits of: for equality of *happiness*, the only equality worth contending for, does not consist in equality of conditions, because happiness does not proceed from conditions; and when we consider that all animals seem to have been destined by nature to obtain their food by labour, and that the ordinances of nature are never transgressed with impunity, we shall be apt to think that there is much less difference in the sum of happiness, between those who labour and those who rest, than is commonly supposed.

In governments where the inequalities of conditions proceed by insensible gradations, and are united to each other by reciprocal benefits; where the moral dependencies are mutual, and consequently personal dependence is null; where the spirit of inequality of possessions is corrected by the spirit

spirit of equality in the law ; and where a great majority of the whole have a real share in the benefits of the world, men are immense gainers by society, which, by increasing their numbers, and multiplying their means, adds infinitely to the common existing sum of happiness.

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There is another order, or rather *disorder* of things, where instead of equal law men are governed by the arbitrary wills of men, and the sacred name of law is impiously prostituted to partial and oppressive declarations of power ; where one man commands the services of another, without admitting him to any share in the benefit he is employed to produce. Every government which supports this extreme inequality is a monstrous evil ; and where this abominable principle is carried so far, that *the many* are devoured by *the few*, a society so constituted is the greatest curse with which humanity can be visited. To such a nation, debased below the power of resistance, a plague or an earthquake is a desirable catastrophe.

People of England ! you are of all nations the happiest, while you know your own happiness : you enjoy a greater share, and a more equal proportion, of the comforts and conveniencies of life than perhaps any people have ever done before. Your property is secure, and your persons free : you owe submission to the law, but subjection to no man : you may freely speak and freely act all that a wise man can wish to say, or a good man to do : you are bound by laws equal and mild, and
honestly

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honestly administered : your government is all powerful under the law, and without force against the law. The voice of the nation alone, when distinctly heard, is always of sufficient energy to repeal every abuse, and to constrain every necessary reform. You have reputation and plenty and peace ! Hail, happy land ! fertile in the gifts of nature ; fertile in men worthy to enjoy them !

Salve, magna parens frugum, Saturnia tellus,
Magna virum—

So long as you remain true to yourselves, neither fraud nor force shall prevail against you. When you fall, it must be by your own hand. If you suffer the corruption of venality to poison every source of public virtue, remember that the seller is still more despicable than the purchaser in this infamous traffic. If you allow the manly lines with which a hardy climate and a free constitution have marked your national character, to be defaced and obliterated by I know not what apish effeminacy of manners under the name of fashion, know that laws without morals are empty forms ; that liberty disdains to inhabit a nation enervated with petty luxuries and frivolous pursuits. If you learn from the vain babble of sophists to despise the plain virtues of your fathers, you will be despised in your turn by your sons, a still more profligate generation. When a greedy ambitious minister gulls you into foolish confidence, or an impudent juggler imposes upon your simple credulity, they do no
more

more than follow their trade : but you, when you come to eat the bitter fruit of your folly, will excite scorn, but no commiseration ; for though ambition may have something of eclat, and hypocrisy something of ingenuity, the stupid imbecility of a willing dupe has nothing to oppose to the contempt and ridicule of mankind.

Sir Brooke
Booth.

Dr.

DR. PRIESTLEY.

Letters to
Mr. Burke.

CONSIDERING how much has been written on the subject of *government* since the revolution in this country, an event which more than any thing else contributed to open the eyes of Englishmen, with respect to the true principles of it, it is not a little extraordinary that any man of reading and reflection, as you are, should depart from them so much as you have done.

To vindicate this revolution, lord Somers, bishop Hoadley, Mr. Locke, and many others, have laid it down as a maxim, that all power in any state is derived from the people, and that the great object of all government is the public good. As a consequence from these fundamental principles, they maintain that all magistrates, being originally appointed by the people, are answerable to them for their conduct in office, and removable at their pleasure. The right of resisting an oppressive government, that is, such as the people shall deem to be oppressive, they hold most sacred,

You, sir, do not directly, and in so many words, deny these great principles of all government, or the general conclusion drawn from them. In fact, you admit them all, when you allow that “civil society is made for the advantage of man.” But you advance what is really inconsistent with these
leading

leading principles, and you would tie up our hands from making any effectual use of them. You seem to have forgotten what you must have formerly learned; but it is too late for *us* to go to school again, and relearn the first elements of political science. What our predecessors took great pains to *prove*, we now receive as *axioms*, and without hesitation act upon them.

To make the *public good* the standard of right or wrong, in whatever relates to society and government, besides being the most natural and rational of all rules, has the farther recommendation of being the easiest of application. Either what *God has ordained*, or what *antiquity* authorises, may be very difficult to ascertain; but what regulation is most conducive to the *public good*, though not always without its difficulties, yet in general it is much more easy to determine. But suppose a nation should never have had a free government, or could not prove that they ever had one, are they for that reason always to continue slaves? Would it be unlawful or wrong in the Turks to do what the French nation has now done?

You treat with ridicule the idea of the *rights of men*, and suppose that mankind, when once they have entered into a state of society, necessarily abandon all their proper *natural rights*, and thenceforth have only such as they derive from society. “As to the share of power,” you say, “authority and direction, which each individual ought to have in the management of the state, that I must
“deny

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ley.

“ deny to be among the direct original rights of
“ man in civil society ; for I have in my contem-
“ plation the civil, social man, and no other. It
“ is a thing to be settled by convention.”

But what does this *convention* respect, beside the secure enjoyment of such *advantages*, or *rights*, as have been usually termed *natural*, as life, liberty, and property, which men had *from nature*, without societies or artificial combinations of men ? Men cannot, surely, be said to *give up* their natural rights by entering into a compact for the better securing of them. And if they make a wise compact, they will never wholly exclude themselves from all share in the administration of their government, or some control over it ; for without *this* their stipulated rights would be very insecure.

However, should any people be so unwise as to leave the whole administration of their government, without any express right of control, in the hands of their magistrates, if those magistrates do not give the people what they deem to be an equivalent for what they gave up for the accommodation of others, they are certainly at liberty to consider the original compact as broken. They then revert to a state of nature, and may enter into a new state of society, and adopt a new form of government, in which they may make better terms for themselves.

It is one of the most curious paradoxes in this work of yours, which abounds with them, that the
rights

rights of men above mentioned (called by you, “ the
 “ pretended rights of the French theorists), are all
 “ extremes; and in proportion as they are meta-
 “ physically true, they are morally and politically
 “ false.” Now by *metaphysically* true can only be
 meant *strictly* and *properly* true; and how this can
 be in any sense *false*, is to me incomprehensible.
 If the abovementioned rights be the *true*, that is,
 the *just* and *reasonable* rights of men, they ought to
 be provided for in all states, and all forms of go-
 vernment; and if they be not, the people have just
 cause to complain, and to look out for some mode
 of redress.

Dr. Priest-
 ley.

You strongly reprobate the doctrine of *kings be-
 ing the choice of the people*, a doctrine advanced, but
 not first advanced, by Dr. Price in his revolution
 sermon. “ This doctrine,” you say, “ as applied
 “ to the prince now on the British throne, is either
 “ nonsense, and therefore neither true nor false, or
 “ it affirms a most unfounded, dangerous, illegal,
 “ and unconstitutional position. According to this
 “ spiritual doctor of politics, if his majesty does
 “ not owe his crown to the choice of his people, he
 “ is no *lawful king*, &c.”

On the same principle you equally reprobate the
 doctrine of the king being the *servant of the people*,
 whereas the law, as you say, calls him *our sove-
 reign lord the king**. But since you allow, that
 “ kings

* This title of *sovereign lord*, derived from the feudal system,
 given to a king of England, is by no means agreeable to the na-

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ley.

“ kings are in one sense undoubtedly the servants
“ of the people, because their power has no other
“ rational end than that of the general advan-
“ tage,” it is evident, that it is only Dr. Price’s
words that you quarrel with. Your *ideas* are, in
fact, the very same with his, though you call his
doctrine, not only *unconstitutional*, but *seditious*; add-
ing, that “ it is now publicly taught, avowed,
“ and printed ;” whereas it was taught, avowed,
and even printed, before either you or Dr. Price
was born.

Has not the chief magistrate in every country,
as well as the chief officer in every town, a certain
duty to perform, with certain emoluments and *pri-
vileges* allowed him in consideration of the proper
discharge of that duty? And if the town officer,
though having chief authority in his district, yet
in consequence of being *appointed* and *paid* for his
services by the town, is never considered in any
other light than that of the *servant of the town*; is
not the chief magistrate in any country, let him be
called *sovereign*, *king*, or what you please (for that
is only a name), the *servant of the people*? What real
difference can there be in the two cases? They
each discharge a certain duty, and have a certain
stipulated reward for it. The office being *heredi-
tary*, makes no real difference. In our laws, and
those of other nations, there are precedents enow

ture and spirit of our present constitution, which is a *limited mo-
narchy*, and not *unlimited*, as that title implies. Our only pro-
per *sovereign* is the parliament.

of

of men's whole estates being confiscated for crimes; and this of course excludes the heir.

Dr. Priest-
ley.

If, as you expressly acknowledge, the only rational end of the power of a king is the *general advantage*, that is, the *good of the people*, must not the people be of course the judges, whether they derive advantage from him, and his government, or not? that is, whether they be well or ill *served* by him? Though there is no express, there is, you must acknowledge, a virtual *compact between the king and the people*. This, indeed, is particularly mentioned in the act which implies the abdication of king James, though you say it is *too guarded and too circumstantial*; and what can this compact be, but a stipulation for protection, &c. on the part of the king, and allegiance on the part of the people? If, therefore, instead of *protection*, they find *oppression*, certainly allegiance is no longer due. Hence, according to common sense, and the principles of the revolution, the right of a subject to resist a tyrant and dethrone him; and what is this, but in other words, *shocking as they may sound to your ears, dismissing or cashiering a bad servant*, as a person who had abused his trust?

So fascinating is the situation in which our kings are placed, that it is of great importance to remind them of the true relation they bear to *the people*, or, as they are fond of calling them, *their people*. They are too apt to imagine that their rights are independent of the will of the people, and conse-

Dr. Priest-
ley.

quently, that they are not accountable to them for any use they may make of their power ; and their numerous dependents, and especially the clergy, are too apt to administer this pleasing intoxicating poison. This was the ruin of the Stuarts ; and it is a danger that threatens every prince, and every country, from the same quarter. Your whole book, sir, is little else than a vehicle for the same poison, inculcating, but inconsistently enough, a *respect for princes*, independent of their being originally the choice of the people—as if they had some natural and indefeasible right to reign over us, they being born to command, and we to obey ; and then, whether the origin of this power be *divine*, or have any other source independent of the people, it makes no difference to us.

Mr.

MR. CAPEL LOFFT.

PARTIAL admissibility to civil trust—partial share in the rights of representation—partial allowance of the exercise of religious freedom, seem all with Mr. Burke to solve themselves into legitimate and easy results of a supposed surrender of the rights of the individual to the disposal of society, and of society to the disposal of the government it has been pleased to constitute.

Remarks
on the Letter of Mr.
Burke.

A surrender in trust of the whole *, even of factitious property, to preserve a part, is a compact so unequal as rarely to be necessary ; but a surrender of primary independent rights, to preserve secondary and adventitious rights, the whole of natural liberty for a precarious portion of civil, is an imaginary compact so replete with more than paradox, so incompatible with every idea of reason and justice, that the wildest imagination never created such a chimera. If it were a novel thought, its strangeness might be supposed a sacrifice of reason to the seductions of the marvellous ; but after the arguments repeatedly adduced to prove it destitute of all possible foundation, I quit it without reluctance, for the plain opinion which has nothing in it to surprise, that man, by uniting himself to civil society, resigns no rights, but such as are in-

* P. 88.

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Lofft.

consistent with the end of such society. He remains judge in his own cause in all those instances, and they are many and of prime importance, in which it is impossible society should judge for him. He remains with his full right of self-defence; suspending only the exercise where he is more effectually defended by society. He remains his own governor, by the right he has to share in the formation of those laws which are to govern the community, of which he is a part; he retains his right of determining what is just, universally in opinion, and in many cases in practice, where the law cannot interfere; and where he submits to decisions which he thinks otherwise than just, it is in conformity to two principles, independent of any positive sanction, that it is just to suffer a particular inconvenience, rather than to refer every thing to private interested opinion; that it is just, having submitted to make society the arbiter of differences (without which submission society could not exist), to acquiesce in the decisions which society shall make.

The distinction does not rest in theory: for if there are *natural* rights which do not enter into the deposit, as being out of the competence of society, these rights, clearly ascertainable by their characteristic differences, can by no colour of claim be brought under the authority of municipal law: and indeed, those which are held in trust (the suspension of the ordinary exercise of them by the individual being necessary for the peace and order of
the

the community) may be rather said to be held by the government, in trust for the society and the individual, than directly by the society at large. If, therefore, any part of the government transgresses, or neglects this trust, the delinquency must be examined before the appropriated judicial authority. And this is the most distinct idea which occurs to my apprehension, of the nature of the implied compact between the individual and society; of the tacit reservation of rights not within the cognizance, or not within the scope of society; and of the manner in which those rights, which are deposited in trust, may be considered to be vested, so as to secure the necessary responsibility, if that trust be violated;—adding only, that if it be violated by those who represent the power and will of the society itself, the redress can only be by the extraordinary and collective interposition of the community as such.

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From supposing a surrender of the whole rights of the individual to society, Mr. Burke seems to pass to a supposition equally ill founded, and if possible a more harsh idea, assuredly more obnoxious to frequent mischief in the practice, a surrender of the whole rights of society to certain governing individuals. The first surrender was presumed necessary, to prevent the passions of the individual from breaking the order of society (though that prevention, so far as it is practicable, is best secured by supposing him to have surrendered no rights, but those which he cannot exercise without

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disturbance to society). The second is presumed necessary to prevent the will and passions of the society from acting irregularly and detrimentally; and this, it is said, is only to be done by “ a power “ *out of themselves*, and not, in the exercise of its “ functions, subject to that will and to those passions which it is its office to bridle and subdue.” But as this power, extrinsic to the mass, is an human power, artificially and conventionally alone separated from the society of which it was an indistinguishable part, previous to its appointment, if it has strength committed to it to bridle and subdue the whole, by what shall itself be subjected to restraint? and do not all partial interests and passions, incompatible with general good, act with greatest and most permanent force in the production of evil, when small and insulated masses are exposed to their influence? There is in the general aggregate a common sympathy, a temperament of partial interests and prejudices, which is not to be expected from detached classes, actuated by the *esprit de corps*, and surrounded with temporary and local objects, often more relative to their particular situation than to the general welfare.

It seems, therefore, that it is not by setting as a guardian and controller over the public will, the will of a detached body, that the tranquillity and welfare of the community will be best promoted; but rather by ministering the fewest incitements to partial interests, such as delegation of power

power not fully and freely flowing from the general source, but derived from a partial channel, of the qualities of which it will partake; such again, as long continuance of power in the same hands; political privileges to particular classes, not essentially promotive of general benefit; liability to decisions on sudden and occasional inducements of eloquence or cabal, to be immediately executed, without deliberative restraint, by the interposal of a distinct body, not likely to be impressed at the same time by the same partial influences directed to the same point; exclusion of any part of the community from the common interests, and from admissibility to the common functions, without crime; establishment of a military body, or of any order, which by wealth, or direct power, or influence on the public opinion, can affect the general operations of society, detached and contradistinguished from the general interests; instead of leaving the defence, the instruction, and the honorary distinctions of the state, to circulate as freely as circumstances can admit, according to the natural or acquired powers of its members. But as, in every flourishing and long subsisting society, continued prosperity and eminent desert, in certain families, will always tend to something of aristocratical interest; accumulation of wealth, by commerce or manufacture, in others, in a remarkable degree, to an oligarchy, and these will require to be controlled by the equal virtue and social spirit of a democracy,

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democracy, which also requires to have its tendency to unadvised determination balanced by the gravity and prudence of the other descriptions ; these powers and principles kept in their due distinctness, and the preponderancy preserved to the more general interests, without hazarding the security of the others, give the elements and form of a constitution, which unites the largest portion of stability, efficiency, private security, and public freedom. It is manifest, it will partake more largely of the democratic than of any other character, as the popular interests are, both in extent and importance, of the chief consideration ; though every interest which can have place in a free state, without prejudice to its freedom, ought to be sufficiently protected. This is the only notion I have of justifiable, or safe and permanently effectual means to bridle and subdue all partial interests, so as to prevent any irregular will from obtaining an ascendance to the detriment of society. And it is only by such ascendance, that the will of the general mass, disinterested, pure, generous, and tranquil, of itself, becomes interested, corrupt, selfish, turbulent, destructive.

MR.

MR. G. ROUS.

IT must be confessed, that Mr. Burke takes the single ground which his present system admits. He reprobates “the visionary theories of the “rights of man.” He treats them with derision and contempt; “the blurred and blotted pieces “of paper about the rights of man.” Mr. Burke does not, indeed, deny the existence of natural rights; that is, the claims of justice, deduced by reason from the relations in which God has placed us: but these, according to Mr. Burke’s system, refer wholly to a period antecedent to all civil government. After all the discussion the subject has undergone, this sentiment Mr. Burke gives us as his final judgment. “To close all—the *pretended* “rights of man, which have made this havoc, “*cannot* be the rights of the people: *for to be a* “*people, and to have these rights, are things im-* “*possible*: the one supposes the *presence*, the other “the *absence* of a state of civil society.”

Letter to
the Right
Hon. Ed-
mund
Burke.

It seems to follow as a necessary consequence from this wild position, that all the admirable works which have instructed mankind in the principles of natural justice, in the philosophy of law and government, were the labours of visionaries, *in any state perfectly useless*:—for since these rights cannot possibly exist but in the *absence of civil society*, and man in that condition (if, indeed, such a condition as the *total absence of civil society* ever did exist) must

Mr. Rous.

must have been a rude unlettered animal, wholly incapable of comprehending these visionary theories, it seems to follow that these speculations can have no other tendency but to *mislead man from his social duty*. Mr. Burke has most explicitly declared, that the rights of man in society “ cannot “ be settled on any *abstract rule*; and nothing is “ *so foolish as to discuss them upon that principle.*”

Though I am fully entitled to urge the *absurdity* of a necessary conclusion as an argument against *the truth of his principle*, yet I am willing to state his reasoning with the *arbitrary limitations* he himself will impose. He, perhaps, will tell us, that such works may be extremely useful to instruct the *initiated* in the arts of government, princes, courtiers, and members of parliament, in *their duties*; the performance of which the people have no right to exact. Possibly, if disposed to concede, he may add, that he quarrels only with our application of these principles, as the standard of civil rights, as the measure of civil duties; that this misapplication is the *audacious novelty* which he reprobates as *imported from France*, and with which we “ are now endeavouring to work the “ destruction of the crown of this kingdom, and “ the whole of its constitution.”—A simple statement of a single fact will refute this calumny. A philosopher of no mean name, in the close of a moral treatise, the first, perhaps, in merit which any age or nation has produced, states, as the result of his reasoning, precisely the idea which
the

the French have attempted to execute. After Mr. Rous.
 observing the inequalities which “the *interest* of
 “the government”—“the *interests* of particular
 “*orders* of men who tyrannise the government”—
 “the rudeness or barbarism of the people,” or
 “the unfortunate constitution of their courts of
 “judicature,” have produced in the laws of all
 nations—he proposes as the remedy “a system
 “of what might properly be called natural juris-
 “prudence, or a theory of the *general principles*
 “*which ought to run through, and be the foundation*
 “*of, the laws of all nations.*” The whole passage
 is curious, and worth transcribing; and, whether
 the reasoning be admitted or rejected, equally dis-
 proves the charge of importing, as an audacious
 novelty from Paris, the opinion, that *natural rights*
 ought to be the foundation of all laws and of all
 government.

“Every system of positive law,” says doctor
 Adam Smith, “ought to be regarded as a more
 “or less imperfect attempt towards a system of
 “*natural jurisprudence*, or towards *an enumeration of*
 “*the particular rules of justice.* As the violation
 “of justice is what men will never submit to from
 “one another, the public magistrate is under a
 “necessity of employing the power of the com-
 “monwealth to enforce the practice of this virtue.
 “Without this precaution civil society would be-
 “come a scene of bloodshed and disorder, every
 “man revenging himself at his own hand whenever
 “he fancied he was injured. To prevent the con-
 “fusion

Mr. Rous.

“ fusion which would attend upon every man’s
 “ doing justice to himself, the magistrate, in all
 “ governments that have acquired any consider-
 “ able authority, undertakes to do justice to all,
 “ and promises to hear and to redress every com-
 “ plaint of injury. In all well-governed states
 “ too, not only judges are appointed for deter-
 “ mining the controversies of individuals, but
 “ rules are prescribed for regulating the decisions
 “ of those judges; and *these rules are in general*
 “ *intended to coincide with those of natural justice.*
 “ It does not, indeed, always happen that they do
 “ so in every instance. Sometimes, *what is called*
 “ *the constitution of the state*, that is, the *interest*
 “ *of the government*; sometimes the *interest of par-*
 “ *ticular orders of men*, who tyrannise the govern-
 “ ment, warp the positive laws of the country
 “ *from what natural justice would prescribe.* In
 “ some countries, the rudeness and barbarism of
 “ the people hinder *the natural sentiments of justice*
 “ from arriving at that accuracy and precision
 “ which, *in more civilised nations*, they naturally
 “ attain to. Their laws are like their manners,
 “ gross, rude, and undistinguishing. In other
 “ countries, the unfortunate constitution of their
 “ courts of judicature hinders any regular system
 “ of jurisprudence from ever establishing itself
 “ among them, though the improved manners of
 “ the people may be such as would admit of the
 “ most accurate. In no country do the decisions
 “ of positive law coincide exactly, in every case,
 “ *with*

“ *with the rules which the natural sense of justice* Mr. Rous.
 “ *would dictate. Systems of positive law, therefore,*
 “ *though they deserve the greatest authority as the*
 “ *records of the sentiments of mankind in differ-*
 “ *ent ages and nations, yet can never be regarded*
 “ *as accurate systems of the rules of natural justice.*

“ *It might have been expected that the reason-*
 “ *ings of lawyers upon the different imperfections*
 “ *and improvements of the laws of different coun-*
 “ *tries, should have given occasion to an enquiry into*
 “ *what were the natural rules of justice, independent*
 “ *of all positive institution. It might have been*
 “ *expected that these reasonings should have led*
 “ *them to aim at establishing a system of what might*
 “ *properly be called natural jurisprudence, or a theory*
 “ *of the general principles which ought to run through,*
 “ *and be the foundation of, the laws of all nations.*
 “ *But though the reasonings of lawyers did produce*
 “ *something of this kind, and though no man has*
 “ *treated systematically of the laws of any parti-*
 “ *cular country, without intermixing in his work*
 “ *many observations of this sort, it was very late in*
 “ *the world before any such general system was thought*
 “ *of, or before the philosophy of law was treated*
 “ *of by itself, and without regard to the particular*
 “ *institutions of any one nation. In none of the*
 “ *ancient moralists do we find an attempt towards*
 “ *a particular enumeration of the rules of justice.*
 “ *Cicero in his Offices, and Aristotle in his Ethics,*
 “ *treat of justice in the same general manner in*
 “ *which they treat of all the other virtues. In*

Mr. Rous.

“ the laws of Cicero and Plato, where we might
 “ naturally have expected some attempts towards
 “ an enumeration of *those rules of natural equity*
 “ *which ought to be enforced by the positive laws of*
 “ *every country*, there is, however, nothing of this
 “ kind. Their laws are laws of police, not of
 “ justice. Grotius seems to have been the first
 “ who attempted to give the world any thing like
 “ *a system of those principles which ought to run*
 “ *through, and be the foundation of, the laws of all*
 “ *nations*; and his treatise of the Laws of War and
 “ Peace, with all its imperfections, is, perhaps,
 “ at this day, the most complete work that has
 “ yet been given upon this subject. I shall in an-
 “ other discourse endeavour to give an account
 “ of the general principles of law and government,
 “ and of the different revolutions they have un-
 “ dergone in the different ages and periods of so-
 “ ciety, not only in what concerns justice, but in
 “ what concerns police, revenue, and arms, and
 “ whatever else is the object of law. I shall not,
 “ therefore, at present enter into any farther de-
 “ tail concerning the history of jurisprudence.”

DECLARATION OF THE RIGHTS OF MAN AND OF
CITIZENS,

BY THE NATIONAL ASSEMBLY OF FRANCE.

“ THE representatives of the people of France,
 “ formed into a national assembly, considering
 “ *that ignorance, neglect, or contempt of human rights,*
 “ *are the sole cause of public misfortunes and cor-*
 “ *ruptions*

“ *ruptions of government*, have resolved to set forth, Mr. Rous.
 “ in a solemn declaration, *these natural, imprescrip-*
 “ *tible, and unalienable rights*: that this declaration
 “ being constantly present to the minds of the
 “ members of the body social, they may be ever
 “ kept attentive *to their rights and their duties*:
 “ that the acts of the legislative and executive
 “ powers of government, being capable of being
 “ every moment compared *with the end of political*
 “ *institutions*, may be more respected: and also, that
 “ the future claims of the citizens, being directed
 “ by simple and incontestable principles, may al-
 “ ways tend to the maintenance of the constitution,
 “ and the general happiness.

“ For these reasons the national assembly doth
 “ recognize and declare, in the presence of the
 “ Supreme Being, and with the hope of his blessing
 “ and favour, the following sacred rights of men
 “ and of citizens:

“ I. Men are born, and always continue, free,
 “ and equal *in respect of their rights*. Civil dis-
 “ tinctions, therefore, can be founded only on
 “ public utility.

“ II. The *end of all political associations* is the
 “ *preservation of the natural and imprescriptible rights*
 “ *of men*; and these rights are liberty, property,
 “ security, and resistance of oppression.

“ III. The nation *is essentially the source of all*
 “ *sovereignty*; nor can any individual, or any
 “ body of men, be entitled to any authority which
 “ is not expressly derived from it.

Mr. Rous.

“ IV. Political liberty consists in the power
 “ of doing whatever does not injure another.
 “ *The exercise of the natural rights of every man has*
 “ *no other limits than those which are necessary to*
 “ *secure to every other man the free exercise of the*
 “ *same rights; and these limits are determinable only*
 “ *by the law.*

“ V. The law ought to prohibit only actions
 “ hurtful to society. What is not prohibited by
 “ the law should not be hindered; nor should
 “ any one be compelled to that which the law
 “ does not require.

“ VI. The law is an expression of the will
 “ of the community. All citizens have a right
 “ to concur, either personally or by their repre-
 “ sentatives, in its formation. *It should be the*
 “ *same to all, whether it protects or punishes; and all*
 “ *being equal in its sight, are equally eligible to all ho-*
 “ *nours, places, and employments, according to their*
 “ *different abilities, without any other distinction than*
 “ *that created by their virtues and talents.*

“ VII. No man should be accused, arrested, or
 “ held in confinement, except in cases determined
 “ by the law, and according to the forms which
 “ it has prescribed. All who promote, solicit,
 “ execute, or cause to be executed, arbitrary or-
 “ ders, ought to be punished; and every citizen
 “ called upon or apprehended by virtue of the
 “ law, ought immediately to obey, and renders
 “ himself culpable by resistance.

“ VIII. The law ought to impose no other
 “ penalties

“ penalties but such as are absolutely and evi-
 “ dently necessary; and no one ought to be pu-
 “ nished, but in virtue of a law promulgated before
 “ the offence, and legally applied.

Mr. Rous.

“ IX. Every man being presumed innocent till
 “ he has been convicted, whenever his detention
 “ becomes indispensable, all rigour to him, more
 “ than is necessary to secure his person, ought
 “ to be provided against by the law.

“ X. *No man ought to be molested on account of*
 “ *his opinions*, not even on account of his religious
 “ opinions, provided his avowal of them does not
 “ disturb the public order established by the law.

“ XI. *The unrestrained communication of thoughts*
 “ *and opinions being one of the most precious rights of*
 “ *man*, every citizen may speak, write, and pub-
 “ lish freely, provided he is responsible for the
 “ abuse of this liberty in cases determined by the
 “ law.

“ XII. *A public force being necessary to give se-*
 “ *curity to the rights of men and of citizens*, that
 “ force is instituted *for the benefit of the community*,
 “ and not for the *particular benefit of the persons*
 “ with whom it is entrusted.

“ XIII. A common contribution being neces-
 “ sary for the support of the public force, and for
 “ defraying the other expences of government,
 “ it ought to be divided equally among the mem-
 “ bers of the community according to their abi-
 “ lities.

“ XIV. Every citizen has a right, either by
 “ himself

Mr. Rous.

“ himself or his representative, to a free voice in,
 “ determining the necessity of public contribu-
 “ tions, the appropriation of them, and their
 “ amount, mode of assessment, and duration.

“ XV. Every community has a right to de-
 “ mand, of all its agents, an account of their con-
 “ duct.

“ XVI. Every community, in which a separa-
 “ tion of powers and a security of rights are not
 “ provided for, wants a constitution.

“ XVII. The right to property being invio-
 “ late and sacred, no one ought to be deprived
 “ of it, except in cases of evident public necessity,
 “ legally ascertained, and on condition of a pre-
 “ vious just indemnity.”

I have subjoined the French declaration of the rights of man and of citizens to the liberal sentiments of our English philosopher, published nearly thirty years before, to prove that the generous and beneficent attempt to realise the natural rights of man is merely an execution of what he had conceived. This declaration, like our bill of rights, in many of its articles, condemns the abuses of their former government. They, however, had the wisdom to go farther, to lay their foundations in acknowledged truths, which, thus solemnly recorded, might afford governors and people an eternal monument of their duties.

Were I disposed to multiply quotations, it would not be difficult to produce authorities from
 the

the writers on our laws, in vindication of almost every article in this declaration, respecting the private rights of individual citizens. The better mode will be, to select for discussion the controverted parts. Among the articles, which respect the rights of individuals, certainly the most important deviation from our established laws, is that maxim derived from eternal principles of justice, that “ *all being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.*”

Mr. Rous.

ANONYMOUS.

Letter from
a Magis-
trate to Mr.
William
Rose, &c.

THAT Great Britain now enjoys a *free* constitution (though Mr. Paine amuses himself with a comical conceit that there is no constitution at all), its inhabitants are proud to own; and in this country they will not lightly be induced to exchange the substantial broad-cloth of durable and well-wrought liberty, and to cast away the warm home-spun garment of sound laws, as a load and incumbrance to them in the pursuit of the gaudy tiffue and cobweb texture of French philosophy.

The nature, the doctrine, and the object of this French philosophy, as applied to the destruction and the formation of governments, is avowed by Mr. Paine without disguise. He has re-published the Declaration of the Rights of Man, by the national assembly, in seventeen articles, all of which, he says, are comprehended in the three first. But the first alone is that whereon the whole is built, namely, that “men are born and always
“continue free, and equal in respect of their
“rights. Civil distinctions, therefore, can be
“founded only on public utility.”

When a maxim is laid down as the foundation of all human government, it is fit that there should be no ambiguity in it, that it should not be capable of various interpretations, and that the terms in which it is conveyed should be such as no plain
6 man

man can misunderstand. Take then this part of the proposition, "Men are born and continue Anonymous.
"equal in respect of their rights." Let me now suppose (and in the second article it is so stated), that property is one of those rights. Are men born, and must they continue equal in respect of their property? This will not be avowed as yet: the world is not yet so mad as to endure the assertion of such an absurdity. Property is in its nature changeable, and must vary according to the industry or idleness of individuals, the parsimony or extravagance of its owners. And as the proposition concerns the rights to which men are *born*, they must either be born to *unequal* rights of property (as their ancestors will either have amassed or dissipated their wealth), or else all succession to property must be abolished, and none be entitled by birth to any property at all. Gross and ridiculous as this maxim is, when applied to property, I ask, whether the words do not import it? and whether ordinary persons may not so understand its meaning? There can be no doubt, but that all who would be gainers by an equal distribution of property, would be inclined to such a construction of the phrase—*Dolus versatur in generalibus*. The latitude of the expression renders its meaning equivocal; and if it is interpreted in that sense, all property is unhinged, the strongest bond of society is loosened, and confusion must ensue.

But it will be said, that nothing more is in-

Anonymous.

tended by this declaration, than that men are *born equal in respect to the rights which they are severally entitled to*; that is, supposing them to have certain rights by birth, each man is equally to hold, maintain, and enjoy securely his rights. In this sense the proposition is perfectly true: and it is the sole business and purpose of laws to protect such rights, and render them equal in respect to their security. All who are subject to the laws of any community, must be so without respect to persons; and all are bound to obey those laws so long as they subsist, without presuming to set up their judgment, as to the analogy of those laws, to any favourite principle of their own, for such principles are but their own opinions; and if each man was to measure his obedience to each law, by his conceptions of the consistency of that law with some principle in his mind, each man would be his own legislator; or, in other words, there would be no such thing as law, and tyranny must take place, which is the immediate consequence of the want of equal law.

The *equality of mankind in respect to their rights* is effected, brought into practice, and preserved by civil society, which requires that there should be equal laws. Civil society cannot exist but by the previous resignation of natural rights, which are supposed to be brought by the whole community into one common stock, and again distributed out under certain regulations for the better security of those which are so established. That
 society

society is founded on the supposition of pre-
 existent rights, no one can deny : but many are
 of opinion, that no natural rights are retained after
 entering into society ; that they are all, in the first
 instance, conceded, in order to accomplish a more
 equal repartition of them by the dispensation of
 just laws ; and that, if any *natural* rights should
 remain independent of and unnoticed by the in-
 stitutions of civil society, still that none can exist
 in contradiction and opposition to the positive
 injunctions of that community which is founded
 on the social compact.

Anonymous.

But admitting, for the sake of argument, that
 there can be a case where an individual shall, by
 virtue of what he calls his natural rights, be en-
 titled to act in defiance of civil authority, which is
 the collective voice of society ; admitting the
 rights of men in the extent which they are con-
 tended for by Mr. Paine ; let us examine whether
 they will answer the purpose which he aims at, or
 at all contribute to forward the object and design
 of his publication. His pamphlet is avowedly
 written to tell the people of Great Britain, that
 they have a bad constitution (or, as he sometimes
 says, no constitution, because it is not to be found
 drawn up on a quarter of a sheet of paper, like
 the declaration of the rights of man, by the na-
 tional assembly of France) ; and that, from the de-
 fects of its origin and theory, it deserves to be
 totally destroyed. He professes to mark with pre-
 cision the different qualities of natural and civil
 rights,

Anonymous.

rights, and says, that “ the natural rights which
 “ he retains are all those in which the power to
 “ execute is as perfect in the individual as the
 “ right itself. Among this class, as is before
 “ mentioned, are all the intellectual rights, or
 “ rights of the mind : consequently religion is one
 “ of those rights. The natural rights which are
 “ not retained, are all those in which, though the
 “ right is perfect in the individual, the power to
 “ execute them is defective.”

Now, I appeal to Mr. Paine, whether, according to his own definition of these rights, he can maintain that the right of new-modelling a government, on account of its want of theoretic perfection in its origin, is a natural right retained by social man ? Is it one “ in which the *power* to execute
 “ is as perfect in the individual as the right itself ?” Is it not distinctly and emphatically that right, which, above all others, he has relinquished ? Has he not, by *entering into* the social bonds of the community, tied up his hands from attempting to dissolve that union to which he is a party, until the terms of that union are broken, until the contract is violated, until the society which he agreed to is converted, by some extraneous cause, from a support and protection to an oppression and a grievance ? Mr. Paine is very kind to his antagonists, by condescending to use the word society, and speak of men entering into it, and to allow that there is any such thing as civil society ; for his arguments are frequently adverse to any such supposition,

supposition, and the main scope and object of them all is to prove, that social man may and should break through his compact, whenever, on reflection, he shall think that the dispensation under which he lives is defective in theory, or vicious in its origin. The constitution of England he wishes to subvert, because it is derived, not from a natural right, but from a natural son, from William the conqueror, and because he thinks the representation of the people inadequate. I shall not here discuss either of these topics further than by observing, that neither this theory of representation, supposing it to be faulty, nor this historical origin, granting it to have commenced in power *over* the people, have occasioned, or are contended to have occasioned, such evils to the community, as to justify the demolition of its whole fabric.

Anonymous.

Judge of the tree by its fruits, and not by its root. What more uncouth, more offensive to the sight, or touch, than the livid, prickly stem of the pine-apple? Yet is the fruit delicious. What more liberal, humane, free, generous, and just, than the government of this island, though sprung from the feudal system? Without much knowledge of the nature of feudal tenures, a very superficial writer may venture to call the feudal system an establishment of tyranny. He may be historian enough to know that William the conqueror was a bastard, and lawyer enough to know that lands were held by military services, and that charters were

Anonymous.

were granted by the kings. But he must, indeed, be a very ignorant author, who does not know that, in the government of states, in the framing of laws, in the distribution of property, and in the regulation of manners, many of the finest institutions, the nicest systems, the most just counterpoises, and civilized improvements, owe their existence to the most homely and unphilosophic origin. England is an illustrious example of a country enjoying freedom and wealth, flourishing in commerce and agriculture, excelling in arts as well as arms, yet deriving its laws and constitution from a Gothic ancestry. The coarsest raw materials are worked up into the most exquisite manufactures; and the old hackney comparison of our constitution to a pair of worsted stockings repeatedly darned with silk, till they became a pair of silk stockings, motley indeed, but strong and durable, is by no means inapplicable, or a simile unsuited to the taste of those who seek praise by vulgar allusions, distorted proverbs, unintelligent clamour, and clumsy metaphysics as incorrect as coarse.

It is a common art with authors who labour to pervert the minds of those who are not much practised in abstract enquiries, to assume the character of plain-spoken, matter-of-fact, practical politicians, and to profess to deal merely in downright *common sense*; while they are, at that very moment, broaching some new-fangled, undigested, visionary doctrine, some speculative wild theory, which is calculated to overturn every establishment upon earth.

In

In dealing with these profound philosophers, who have a supreme contempt for the wisdom of past ages, and who have themselves taken to their studies late in life, and owe nothing to a professional or literary education, it is in vain to have recourse to books or authorities of any sort. Mr. Locke would have no more weight with them than sir Robert Filmer. Their *illuminated* and *illuminating* minds are inspired with a set of principles by which they are to regenerate all the governments in the world. And therefore I shall talk to these acute but plain-spoken logicians in their own language; and as they, in their reasonings to persuade us that our constitution is ill-modelled, profess to treat us with nothing but hard solid principles and familiar maxims, I will, in return, invite them to a wholesome but a tough morsel: it shall be to the discussion of an aphorism which is become proverbial, “*That the proof of the pudding is in the eating.*” This aphorism, applied to our constitution, may perhaps make it more palatable to us, but will not sit well on their stomachs, or be easily digested. If they deny that it applies to our constitution, I then can only appeal to my countrymen, and ask them, whether they are not thankful for the innumerable blessings of our constitution, and the impartial administration of justice in this kingdom? Let those who are tired of peace and freedom abjure their country like Mr. Paine, and pursue their democratical visions in the woods of America, or in the clubs of Paris.

Anonymous.

Paris. But let them not return to poison the wholesome air of their native soil with the sickly drugs of false philosophy. Let them not shut the doors of our houses of parliament, and, calling themselves a national assembly, adjourn to the tennis-courts. Let them not substitute the lamp-iron in the place of our commissions of oyer and terminer and gaol-delivery. And let them not imprison our king, and allow him to hunt only with the captain of the guard in St. James's park.

On the truth and applicability of the above homely proverb I am content to rest my argument. To all speculative theorists, who think that governments should be overturned because they were originally ill constructed, I answer, that the happiness of a community is the first and sole object of its union as such. In Great Britain, that object, as far as the frame of its constitution affects it, is attained as nearly as can be expected, making proper allowances for the imperfection of human institutions. I would here be understood to speak of the state of this country in general for the last century; for I cannot agree with sir William Blackstone, that "in 1679, by law, as it then stood, the people had as large a portion of real liberty as is consistent with a state of society." Neither does he agree with himself; for he owns, that, since that time, "dangerous branches of the prerogative have been lopped off, and the rest more clearly defined." Within this century there have certainly been many wars, which are the
greatest

greatest curse that can fall on man ; but they have
 been owing principally to the ambition of France, Anonymous.
 and should not be attributed to the nature of our
 constitution. If these levellers of all the kingdoms
 on the earth could persuade me, that, by the adop-
 tion of their plans, there should be no more wars,
 and that property, justice, and order could be
 secured by a democracy, and that such a species of
 government could be permanent, and not fall into
 the hands of a few artful leaders, a vile oligarchy,
 and that again into an absolute tyranny, I would
 consent to their system of regeneration. But, as I
 am convinced of the contrary, I can only consider
 them as desperate empirics.

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ANONYMOUS.

Slight Observations on Mr. Paine's Pamphlet, &c.

MR. PAINE, however, is not satisfied with attempting to convince the world of Mr. Burke's incapacity as a politician, and a disputant, but he stretches out his profane hand upon the constitution of England; he would persuade us that we are neither happy nor free; indeed he affirms that we have no constitution at all, and that we do not comprehend, or do not enjoy, the *common rights of men*.

A constitution is either the radical character of a people, derived from nature, or it is the legal spirit of their political state. An Englishman is naturally ingenuous, brave, generous, and independent; the government, therefore, of England, corresponding with the genius of its inhabitants, is of the most enlarged and liberal form; and its laws, except in a very few instances (for we boast not of absolute perfection), have even cautiously provided for the rights and liberties of the subject, natural as well as civil. Let any man look at magna charta, the habeas corpus act, and the bill of rights, and deny this if he can.

This government, then, hath arisen *out* of the people, and not *over* it. I speak not of things as they were, but as they are. If a grievance exists, it must be referred to the present, not former ages of our history; and if, as Mr. Paine admits, modifications

fications and improvements have taken place since William the first, we have to expect perfection from posterity. Yet, says he, the country has never yet regenerated itself, and therefore you have no constitution; that is as much as to tell a man, who chooses rather to enlarge and alter an old mansion, than to pull it down and rebuild it, that he in fact has no house at all. We deduce not the system of our government altogether from the Normans, but from the laws and customs of our Saxon and German ancestors, men sufficiently jealous of the natural rights of mankind. Our ancestors found something deficient, or something wrong; they restored what they thought wanting, they amended what they thought corrupt; but they prudently declined dissolving government, lest the social particles which are compacted together, and regulated by it, might fly off, and demand greater labour and address to re-unite them, than mere human foresight could be assured of. But Mr. Paine rejects every mode, except that of a new creation, and, in his wrath, would annihilate our present establishment, that in his wisdom he may present us with a better.

This consummate wisdom, however, does not guard this puller down and setter up from certain contradictions of himself, which, though covered with a fallacy of terms, are not less virtually contradictions. Every civil right has for its foundation some natural right, *pre-existing* in the individual,

Anonymous.

vidual, but to the enjoyment of which his individual power is not in all cases competent. Of this kind are all those which relate to security and protection. “ The natural rights which are not retained in society, are all those which, though the right is perfect in the individual, the power to execute them is defective. A man, by natural right, has a right to judge in his own cause. But what availeth him to judge, if he has not the power to redress? He therefore *deposits* this right in the common stock of society, and takes the arm of society, of which he is a part, in preference to, and in addition to his own. Society *grants* him nothing. Every man is a proprietor in society, and draws on the capital as a matter of right.”

It is admitted then, that in society man ceases to retain those natural rights, the exercise of which, in society, would be impracticable or inconvenient. What a man does not retain, he undoubtedly gives up: what he places in the disposal of another, he has no longer the direction of himself. The exercise of force and power, founded on personal strength, is a natural right in the wild state of man; but as in that state every individual must necessarily have the same security, there would be none for the weak, and to the powerful it would at best be precarious. Every single man would judge in his own cause, and would act from his own will, and would stand upon his own ability, separate from,

from, and independent of, every other man. Thus discord would be perpetual. Man, to avoid this evil, flies to society for protection; society produces government, without which it cannot subsist; and government invents laws for the regulation of those natural rights; and those laws must be arbitrary during their existence as laws, for they are subject to no human superior. That which is supreme must bestow or *grant* to its inferior; and man, whilst in society, must be inferior to that, call it by what name you will, from which he receives, and it is acknowledged that he receives protection and security.

Anonymous

Besides, that these are the *grant* of society, is apparent from the first motive which induces men to enter into it. They want something, without which they cannot be happy. And this they request from society.

When once become a member of the community, man, it is true, has rights, but they are rights in common with others; they cannot be made use of without reference to all the other members of society; they are neither absolute nor indefeasible, for they may be taken away for misuser; and must in all cases be enjoyed under a condition express or implied of obedience and good behaviour, which is of the essence of all grants whatsoever.

The rights, therefore, of men are not merely *deposited* with society, as he would figuratively imagine, but they are surrendered as to their *natural* exercise, to be modified and governed by that

Anonymous.

society, which returns them again to every citizen, under such control and restriction as to its wisdom seems best for the whole. But money in a bank *is deposited*, and remains exactly as it was originally, unchanged and unqualified, at the will of the proprietor. The analogy, therefore, between the two cases is imperfect. However, if he insists upon it, I would recommend it to him to *draw out his capital*, for I am sure he is unfitted by principle for *any company*.

From such premises, so laid down, it was but just to expect correspondent conclusions: accordingly, we find him claiming certain *natural* rights, which are retained against the *invasion* of the civil power, as he is pleased to term it; and in which the power to execute is as perfect as the right itself. I do not understand his meaning, except it be, that a citizen may lawfully shake off his allegiance, and rebel against the civil power, whenever he is out of humour with it: indeed, such sentiments belong truly to the American author of Common Sense. And I am the more disposed to imagine that the sole drift of his pamphlet is to foment and legalise rebellion, because he again and again returns to the charge of our having no constitution, and with much precision and gravity informs us, “that government is the creature of a constitution, that a constitution is a real existence, and where it cannot be produced in a visible form, there is none. —If Mr. Burke then,” adds he, “cannot produce
“duce

“ duce the English constitution, we may fairly con-
 “ clude, that though it has been so much talked
 “ about, no such thing as a constitution exists, or
 “ ever did exist, and consequently the people have
 “ yet a constitution to form.”

Anonymous.

This is speaking out in plain terms: no man can here mistake his meaning or good intentions. His language may be thus paraphrased: Englishmen, your nation hath long been the envy of the world! Its power, its riches, its glory, the internal comfort and happiness of all its inhabitants, through all degrees and conditions, are unequalled on the face of the globe!—I sicken at the sight of it—suffer me to arm your virtues against yourselves—let me alarm your pride to imagine injuries which do not exist—You boast of courage, let me rouse up your spirit to desolate your country! In fact, this is like Satan surveying Paradise, and he will not lose one trait of the full character.

It is however extraordinary, that after all these arguments, by which he, in his own conceit, plumes himself upon having proved that we have no constitution, his own book should furnish the strongest evidence that we have one. These are his words: “ A constitution is a body of elements
 “ to which you can refer, and quote article by
 “ article, and which contains the principles on
 “ which the government shall be established—the
 “ manner in which it shall be organized—the
 “ powers it shall have—the mode of elections—

Anonymous.

“ the duration of parliaments, or by what other
 “ name such bodies may be called—the powers
 “ which the executive part of the government shall
 “ have, &c.”

I will not affront the understanding of the meanest of my countrymen, by supposing him ignorant of the actual existence of all these articles, clearly set forth, and well known among us; and if Mr. Paine wishes to be referred to a body of elements, he may find them in our common law, our statute law, our law of parliament, and our local law. For in England, however new the assertion may appear to him, the law is for all, and over all, neither is there any thing without it. He will reply, that he has given an instance of the law of parliament having been altered by its own authority; which shews that there is no constitution. “ The act by
 “ which the English parliament empowered itself
 “ to sit for seven years,” having been elected only for three (he should thank me for these words, as they make his statement intelligible), “ shews there
 “ is no constitution in England.”

It is a woeful proof of weakness in argument, when but one single case can be cited to support a general assertion: and if that case, when examined to the bottom, in its causes and consequences, proves the direct contrary to the position it was adduced to enforce, it is *felo de se*, it is a positive refutation of it. The act in question was an act of political prudence, compelled by necessity. It did

did not originate in an arbitrary excess of power. Anonymous.

A rebellion against the prince on the throne, and an invasion by a foreign power to support that rebellion, were apprehended: the parliament then sitting, but which was about to expire, considered the mischiefs which might arise from the want of a national council at so critical a season, and for that reason only took the extraordinary measure referred to. This act secured public credit, preserved the union of the powers of government, and saved the nation. Place, in an opposite point of view, the national assembly of France sitting and voting upon subjects not warranted by the *cabiers* of their constituents, and expressly contrary to the tenour of many of them—and then, applaud the one and condemn the other, if you can! Literally speaking, the act of the English parliament was unconstitutional, but virtually it was not so: the deed was done by the representatives, but it was approved and sanctioned by the voice of the whole kingdom. Their electors, had they conceived the constitution infringed by that proceeding, had the fairest opportunity of declaring that opinion with effect, when all was agitation and trembling for the issue of the impending event of rebellion and invasion, when they could as irresistibly have dissented from the vote of their delegates, as they did thankfully and unanimously ratify it. I do not, therefore, admit this single innovation, so circumstanced, as a sufficient proof

Anonymous. that we have no constitution ; but I wonder that a man of Mr. Paine's principles should not rather have introduced the instance of the long parliament ; it was a stronger exertion of power, and would have made full as well for his purpose.

ANONYMOUS.

FOR what reason does Mr. Burke represent the rights of men as “vague and speculative,” and why does he attempt to prove that the plea of “*inheritance* or ancient patrimony” was the proper ground on which our ancestors supported their claim to magna charta, the petition of right, 3d Charles I. the bill of rights at the revolution, and of course to the liberties we now enjoy?—Is it not apparent that the design of our ancestors, in referring at those different periods to the rights which their forefathers had enjoyed, was to strengthen their ground of claim to the then governing powers for the restoration of them? It appears by the ancient records of parliament, that the first thing they usually enacted, was the confirmation of their liberties; “that all corporations and other persons should enjoy their liberties, rights, customs, and franchises,” by which they constantly recognised in effect those original rights, which first laid the foundation of civil society among us; the doing of which was perfectly natural and proper, and is a decided proof of the propriety, as far as their example goes, of a recurrence to first principles, or the rights of men (a phrase at present so very obnoxious to our author), on a subject of this nature. It appears evident by the conduct of our ancestors, that whenever they

thought

Strictures
on the Letter
of the
Right Hon.
Edmund
Burke.

Anonymous,

thought it necessary to assert or to claim the restoration of their rights, they constantly resorted to first principles, as originally connected with the government of this country; which furnishes a strong argument, that if the ruling powers shall at any time invade, or neglect to preserve, the just rights of the people, it is perfectly constitutional to apply to government to have them restored. Our author appears to me to have some latent views in his pretended attachment to “ancient usage” which he does not like to bring forward; probably he foresees, that if the real and self-evident rights of men be admitted or acceded to, it will bear hard on certain unconstitutional privileges that are now enjoyed by a particular class of persons, and that must not, in his opinion, be given up, as they are necessary to support the present political system—and that it is particularly expedient at the present juncture to inculcate in the minds of the people a predilection to “ancient rights,” and a strict adherence to the practice of our forefathers, who, when they asserted their liberties, always grounded their claim on the principle of inheritance; as this argument will, if admitted, secure the present state of the representation, on which so much of our author’s political importance depends.

He remarks on the subject of the *real rights of men*, that “they ought to have a fair portion of all
“ which society, with all its combination, skill and
“ force, can do in their favour. In this partnership

“ all have equal rights ; but, as to the share of
 “ power, authority, and direction, which each in- Anonymous
 “ dividual ought to have in the management of
 “ the state, that I must deny to be among the
 “ direct original *rights of men* ; it is a thing to be
 “ settled by convention : if civil society be the
 “ offspring of convention, that convention must
 “ be its law, that convention must limit and modify
 “ all the descriptions of constitution which are
 “ formed under it.”

This position of our author is admissible so far
 as such convention is governed by just and equi-
 table principles, and no farther, otherwise it would
 give a sanction to every species of oppression : to
 support the truth of this remark, it may not be
 improper to state a case. Suppose such a conven-
 tion, or that those persons who possess the supreme
 authority in a state, should think it necessary to
 frame a law, that certain persons, say those who
 admit and subscribe, *ex animo*, that the conven-
 tion has a divine right to establish in the state a
 set of religious opinions, whether protestant, popish,
 mahometan, jewish, or pagan, shall exclusively en-
 joy the emoluments arising from the collection and
 receipt of the public revenue ; and suppose the pro-
 fits arising from this employment to amount to a
 shilling in the pound of every man's expenditure,
 or two millions sterling in a year, in a country of
 no greater extent than ours, would not such a law
 be justly considered in a free state as arbitrary and
 oppressive, and an infraction of the rights of men
 in

Anonymous.

in civil society, as it would be depriving a great part of the community of those emoluments, which, as subjects of the state, and contributors to the taxes, they are entitled to enjoy? Would not this be rewarding one description of persons at the expence of another, on an unjust principle? Does a convention possess the power, consistent with the rights of men, to frame such a law? Perhaps it may be objected, that the principle of it is so absurd that no such case is ever likely to occur. If the right be admitted, which our author lays down as a maxim in civil society, a case may occur equally absurd and impolitic; and one that bears a striking resemblance to the leading features of it now actually exists in Europe, and in what is called a free country.

In voluntary societies, and those that exist only for a limited time, men possess a right to institute what laws they please; but in civil society there are original rights, which may with the strictest propriety be deemed the rights of men; these ought to be sacred, and are what no power on earth can, consistent with the trust reposed in them, destroy. Let us put a case of a somewhat different nature, and as our author appears to be particularly partial to the present state of the representation, it shall be on that subject. It has been asserted by those who are well informed, and have made the calculation, that less than ten thousand electors, and many of them of the lowest class, choose the majority of the English house of commons, which represent
seven

seven millions of people. Suppose the greater part of these, say six thousand (for that number being the majority will serve our purpose), should be influenced or corrupted, which is no unusual thing among voters, to instruct their representatives in parliament (who generally think it their duty to follow the instructions of their constituents) to support a bill, to vest the power of raising money exclusively in the king and lords (formerly the kings of England alone exercised this power); and as many of the commons owe their seats to the lords, it is not impossible, if our author's political principles should become general, but that such a law might at some future period take place. If such a law should take place, it would be allowed on all hands, among the friends of liberty, to be an infringement of the rights of the people, and an abuse of power; but according to our author's opinion, as it originated in a *proper, adequate, and legal* convention of the state, who possess the power to limit and modify the constitution, such a law would be obligatory on the whole community: of course opposition against it would be rebellion, and an attempt to overthrow the constitution. It is easy to perceive how far such dangerous and unconstitutional positions will lead men; they will justify all the tyranny, persecution and oppression that have deluged the whole habitable globe.

Our author labours to remove the deep impression which the discussion of *the rights of men* has made on the minds of the people of this country,
by

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by making a curious distinction between their *natural* and *real rights*. As men universally, in the civilized part of the world, stand in connexion with society, their natural rights are those which attach to them as men, and which they are entitled to possess as members of society, and their *real rights* are precisely the same, unless they are restricted to those rights only, which the governments of the earth allow men to enjoy ; which would be justifying, as above, every species of oppression. We may easily perceive the consequences of taking away the only proper foundation of liberty, the natural rights of men ; it is no less than laying the axe to the root of the tree. It must be admitted, that men necessarily abridge themselves of a part of their natural rights, those of an inferior nature, that are not essential to their happiness, in order to obtain the advantages resulting from society, which are of superior value ; but this will extend no further in a good government than is compatible with strict justice to individuals. A mutual sacrifice for the public good, in which all are concerned, so far from being a grievance, is, on the principle above stated, a benefit to every individual. It should also be considered, on a subject of this nature, that there is a great and necessary distinction between voluntary societies, and that of which a state is composed : in respect to the former, men have their option ; in the latter, the case is very different : perhaps it may be suggested, that those who dislike the laws of one state, may, if they choose it, remove

remove to another. But insuperable difficulties Anonymous arise here, as the loss of the means of subsistence, desertion of property, friends, and a thousand other considerations : if it were otherwise, the majority in a state might with propriety frame such laws as they imagined would be most conducive to their interest. Besides, removals from a state would be injurious to its prosperity, and might prove the ruin of it ; migration to foreign countries, therefore, on this principle is prohibited by law to all artificers and manufacturers, which comprehend a great part of the community ; and as men become subjects of the state, independent of their own choice, it follows by necessary consequence, that those to whom the power is delegated to frame the laws, are bound by every principle of justice, as well as religion, to see that they do not oppress individuals, and also that they are founded on principles of equality, proportioned to cases and circumstances. This observation, although it may press hard on certain laws in this country that affect a particular class of subjects (the corporation and test acts), is nevertheless true, and is a position that no man who is a friend to the rights of men will controvert. As conscience is said to be God's vicegerent in the minds of men, for the regulation of their conduct, so public justice ought to be in a state ; on this unalterable principle the laws of every state ought to be founded ; and if they will not bear this test, they ought to be abolished.

Do

Anonymous.

Do any of the laws of the national assembly of France violate this principle? I believe not; the extinction of the order of nobility excepted. Indeed it must be confessed, that they have (from motives best known to themselves) unwarrantably abridged the power of the monarch: but this it is supposed was done through the effects of fear; and was the king sincerely attached to the national assembly, and hearty in the reform of the government, they would now in all probability make him one of the greatest monarchs upon earth.

A N O N Y M O U S.

“ **T**HE *French declaration of rights* is of more
 “ value to the world, and will do more
 “ good, than all the laws and statutes that have
 “ yet been promulgated.”

Rights on
 Rights

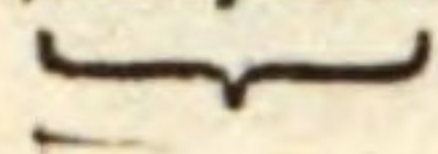
Rights of Man, by Thomas Paine, &c. &c.

THIS *memorable declaration* takes its departure from one broad axiom, as the base upon which the articles are framed, viz. “ That ignorance, “ neglect, or contempt of human rights, are the “ *sole* causes of public misfortunes, and corruptions “ of government.”—I conclude, then, it would be an effectual cure, if not preventive of the gout, were mankind once *informed*, that they were born by nature to have the free use of their limbs.

“ *Men are born, and always continue, free and equal “ in respect of their rights ;*” and these rights are explained to be “ *liberty, property, security, and re- “ sistance to oppression.*”

With regard to the three first, God forbid any man should be absurd enough to deny that they are the *professed* ends of *all* civil institutions, even the most despotic ! consequently, that the government is the best adapted to its end, which the most effectually gives *security* to liberty and property. It is in order to obtain *security* to the individual, however, that liberty is limited, and property subjected to contribution in civil government ;

Anonymous.



but then that security is incompatible with his right of resenting his own wrongs, which he surrendered upon entering into a state of society.—Thus stands the case:—Man is a creature made up of reason and instinct, or, if you please, of reason and passion. He seeks by nature the gratification of his appetites, but frequently can obtain it only at the expence of others.

He is neither born *free, equal, or independent* in any possible situation. He is not only dependent upon his parents through a very long infancy, during which time he is subject, of necessity, and for his own good, to *absolute power*; but when he is in possession of his faculties, he is of all animals in nature the least equal to others of his own species. Different modifications of mind and body, even in a state of the most primitive nature we can imagine, render one man more unlike and disproportioned to another, than any of the distinctions of society can possibly devise in our establishments: the one excels in boldness, the other in cunning; the one in strength, the other in agility; Ajax and Ulysses, Æsop and Milo, are as unequal in the gifts of nature, as the prince and the peasant are in those of fortune. This inequality, therefore, in a state of nature (even if one man only were opposed to another man), would make it impossible for him to enjoy security to *his rights*; and having no security to his life, liberty, or the little property he could acquire, his rights in them would be of no use to him. But
when

when a combination of more than one can overpower in this state the force of the strongest individual, the necessity appears ten times more cogent to have recourse to some expedient that shall protect the precarious right of the individual against oppression. Hence arises the compact of that institution we call government; which supposes a combination of the whole strength of society in opposition to the freedom of the individual, for the purpose of general defence, that he may not oppress any of the rest of the community. In the one case, man has no bounds to *his rights*, but no security in the exercise of them; in the other, his rights are limited by compact, that is, by the restraints the law of the government imposes upon him; but he enjoys, or ought to enjoy, perfect security within those limits. From this reasoning one conclusion is incontestable—that as the obvious end of society is, by the union of individuals suffering under unequal strife, to give to each of them security in an equal degree, the same protection, the same submission is to be afforded and exacted without distinction in regard to every member of the community.

Here ends this equality which *human institution* has created to correct the *opposite principle* in the *institutes of nature*. From this point, inequality by laws stronger than those of men, resumes its universal empire. The whole system of creation is connected together, like one vast machine, by the *difference* of its component parts; inequality, gradation,

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gradation, dependence, influence, and subjection, hold together the moral world, as the laws of gravitation and repulsion act upon the material.

“ The heavens themselves, the planets, and this centre,
 “ Observe degree, priority, and place,
 “ Infisture, course, proportion, season, form,
 “ Office, and custom, in all line of order.”

That “ *civil distinctions are founded only on public utility,*” is no more than to say, that all government in society, and all the arrangements naturally proceeding out of it, whether directly or indirectly, refer to the public utility, inasmuch as government itself has no other object ; but does by no means imply, that “ *all being equal in its sight, are equally eligible to all honours, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents.*” Populous and extensive countries that subsisted in a state of civilization whilst Europe were still savages, have adopted a contrary principle in the opposite extreme ; and, however erroneous it may be thus exaggerated, do not want plausible arguments at least in favour of their institutions : but surely it will not be denied, that education and habits transmitted from generation to generation, and still more the culture and application to particular walks of life, contribute most essentially to qualify men for situations they are taught to aspire to. The most brilliant *talents* that ever distinguished the robe, accompanied

panied with every *moral virtue* that can inspire confidence, may be thrown away at the head of an army ; and the ablest sea commander make a wretched figure as ambaffador plenipotentiary. But this is not all : however some individuals may think themselves divested of prejudice, we know and feel that men in general, both the great and the little vulgar, are creatures governed by opinion, and that their opinion is oftener formed (and must neceffarily be fo) upon prejudice than upon reason. A chancellor would certainly be able to decide in his tribunal as learnedly in boots, a high collar, and leathern breeches, as in a gown and full-bottom periwig ; but whatever the philosopher may think of it, there is something which experience tells us would very differently affect the feelings of the court and the by-standers. Honours and external decorations, diftinct claffes in fociety who claim pre-eminence from their birth and ftations, may excite the sneer of the cynic in his tub, who facrifices to his own pride the vanity of others ; but if they contribute, nay, if they have been in all ages and countries found effential to the maintaining that order and connection, without which civil fociety itfelf would be a rope of fand and fall to pieces, a wife man will be inclined to affift the deception (if it be a deception) which is a neceffary ingredient in that fyftem that produces every folid advantage. In the prefence of the great Author of life, the fervant and his mafter, the general and private foldier, the king

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and his subject, are, like the actors when they quit the theatre, distinguished by their merits only in the parts that were assigned them: but whilst they remain upon the stage, those parts must not be confounded; and none but a fanatic can wish to annihilate, or even to weaken, the distinctions that keep them at a distance from each other.

“That none ought to be punished but by a law promulgated before the offence, and legally applied,” is an undeniable position. No man can break a law that does not exist; and till he breaks the law of his country, he is entitled to the protection, not the chastisement, of the government he lives under. “A public force being necessary to give security to the rights of men and citizens, that force is instituted for the benefit of the community.”

Allow it, then, as a corollary, that all military force that is so constituted as not to be brought by the executive power to bear to the purpose for which it is ordained, viz. the protection of every peaceable individual, is a dangerous force, tending to subvert the ends of civil society, not to support them.

That the contributions in a state ought to be as equally divided as possible in proportion to the abilities of the contributors, is a self-evident proposition—*therefore the nobility of France were induced, before the meeting of the states, to make a voluntary surrender of all their pecuniary privileges.* As to the consent of every individual to impose taxes upon himself, the encouragement of contraband

band is a sufficient illustration of that readiness Anonymous.
that individuals are impressed with to contribute
generously, *with their own consent*, to the public
exigencies.

“ The right to property being *inviolable and*
“ *sacred, no one ought to be deprived of it, except in*
“ *case of evident public necessity legally ascertained,*
“ *and on a condition of a previous just indemnity ! ! !*”

What a principle, when applied to the confisca-
tions of property that have taken place to the
amount of so many millions, as the basis of a re-
volution which has no professed object but security
to personal liberty, and rendering property “ in-
“ violable and sacred !”

Here, reader, you have the boasted declaration
of rights, *that has done more good than all the laws*
and statutes that were ever promulgated !—Behold the
good it has already done in the country that exults
in its publication !

How many millions of property, vested by the
laws of the country in the proprietors and their
predecessors from time immemorial, have been
confiscated without any previous offence pretended
against the laws promulgated, and without any
idea of compensation ; how many residences of
peaceable inhabitants, that formerly dispensed the
blessings of hospitality through their districts, have
been burnt or pillaged ; how many unoffending
individuals have been abandoned to their inhuman
butchers ; how many thousand lives have been
sacrificed without protection, through the extent

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of the provinces of that great kingdom ;—it is not for me to ascertain : but these are the only fruits I know of the security and freedom that has been established by the declaration of the “ rights of man.” Look for security to your person or property in a country where not one tribunal is yet opened, but a court of inquisition to condemn to an ignominious death without proof, upon the menace of impending danger—Ask the illustrious fugitives, the venerable prelates, that find their asylum in every court of Europe to secure their lives from the same wreck that has swallowed up their fortunes, what are those *rights of man* in their devoted land, which they can plead not against the banditti, not against the deluded insurgents only, but against the legislature itself—the sovereignty of their country ?

Ask the authors of their ruin the same question ; they will tell you calmly, that these calamities are necessary to procure future benefits, and that the means are justified by the ends. They will say, with Monsieur de la Fayette, “ that in matters of “ revolution, sedition is *a sacred duty* ;”—with Mr. Necker, “ that these violences are *des excès de gaîté* ;”—with Paine, “ that these outrages were not the “ effect of the principle of the revolution, but of “ the degraded mind that existed before the re- “ volution, and which the revolution is calculated “ to reform. Place them there to their proper “ cause, and take the reproach of them to your- “ self.”—He will see no difference between the
 exposing

exposing upon Temple-Bar the heads of convicted traitors in time of actual rebellion, and the bearing about upon pikes, in mockery and insult, to the places of public entertainment, the heads of innocent victims, the ministers of established government torn to pieces by popular assassins. He will justify from a bloody, not a *cruel* sentence in the hands of the executioner of justice, calculated (perhaps not wisely) *in terrorem* to impress awe upon the beholders, not to inflame their passions; he will justify, I say, an excess of wanton barbarity that cannibals would blush at; the pledging from lip to lip the cup in which the bleeding heart of a murdered minister had been drenched with wine, or the bearing the mangled face of a father to the mouth of a son, fortunately already insensible to the outrage by the treatment he had undergone, and who was soon after delivered from insult by the unsated rage of his assassins. He will look over these scenes of disgusting horror with complacency, and calmly assure you, “that when the French revolution is compared with that of other countries, the astonishment will be, that it is marked with *so few sacrifices* ;” but he will forget to tell you, that if they were infinitely fewer than they wish to appear under his representations, torrents of blood shed bravely in battle between contending factions, do not dishonour a nation like the refinements of cruelty, and the massacres in cold blood of much smaller numbers defenceless and unresisting. He will exult in victory

Anonymous.

Anonymous.

tory where there has been no contest, and in the glorious conquest of the Bastille, that was betrayed to an unarmed rabble; he will triumph in the destruction of old walls and towers, as if the *strength* of a prison was its crime; whilst all the other prisons, as loathsome perhaps, though not so secure as the Bastille, are crowded at this moment with such numbers as threaten pestilence by their contagion. He will talk of liberty, whilst tyranny, the capricious tyranny of the many, is ravaging at large one of the fairest empires in the world; and whilst the feelings of the oppressed are insulted with the sound of freedom, as the inquisitors sharpened the torments they inflicted by chanting in the ears of their victims, hymns to the God of mercy,

R E V.

REV. MR. NARES.

Principles
of Govern-
ment, &c.

IT is perfectly false, *that every man has naturally and essentially a right to govern himself, or to be governed by his own consent*; and the assertion that he has, is either the boast of ignorant pride, or the artifice of wickedness to escape controul, and to render folly mischievous. No man can have a right to do an act for which he is altogether unfit. Wisdom and goodness alone have, in reason, any right to govern, since they alone are fit for it. The foolish and the wicked, therefore, in proportion to the extent of those imperfections, are disqualified from government by nature, or by themselves, and ought to be controuled. But the foolish and the wicked compose no small part of mankind, who therefore should be ruled; and if refractory, without their consent, and even against their will. To such imperfections, indeed, all men are so far liable, that there is no complete security against their prevalence in any individual. Hence, as we have seen, arises the necessity for government; which being so constituted as to be *wise and good*, may exercise a due controul over the imperfections of all.

Large bodies of men have no essential right of governing themselves; for what no individuals have, the aggregate of individuals cannot have. In fact, experience proves their great unfitness for it;

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the acts of very numerous bodies, operating collectively, being for the most part foolish, or wicked, or both : and that for a most clear and simple reason, suggested by the very nature of man, that *passion is more strong than reason*.

Still less has a majority any natural or essential right to controul a smaller number. Occasionally indeed, and for the sake of peace, it may be very prudent to agree that questions shall be so decided. Parties nearly balanced will produce a strong, and perhaps a very pernicious contention, which should be, if possible, avoided : and if either party be by agreement to prevail, it seems most prudent to allow that preference to the greater number, which, if recourse was had to violence, it would most probably be able to obtain : in any other light, the claim of a majority is nothing. If 20, 100, 1000, or any number of men, be desirous to act foolishly or wickedly, the will of any single man, who wishes to act virtuously and wisely, ought, in reason and essential justice, to prevail against them all.

Power is usually mistaken for *right* ; and from that error is deduced the false principle contradicted in the opening of this chapter ; which, though it has of late been circulated as true, and even laid down as an axiom, is not the less erroneous. Great majorities have certainly the natural *power* of governing. In the collective body of a people the whole political strength essentially resides ; nor would it be possible for any measure to be

be effected, however necessary, were the general sentiments of a people strongly turned against it. Even external military force, if they were nearly unanimous, and firmly fixed in enthusiastic resolution, might extirpate them, but could not govern. Were a whole people resolved to live without all government, as far as it is possible to live in such confusion, they certainly might do so; but it does not follow that, because they have this natural power, they also have a right to exercise it. Those men have been in all times and all countries the most pernicious members of society, who have been diligent to make the people know and feel their natural powers, concealing from them, at the same time, or not sufficiently explaining and enforcing, their *natural duties*. Whatever is prohibited to man as wrong, must be within the reach of natural power, otherwise the prohibition would be foolish. Power and right are therefore clearly separable, and it is absurd to think that one includes the other, or to confound things that are naturally so distinct.

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Men taken without choice in very numerous majorities of society, neither have the wisdom nor the virtue to conduct and govern themselves; they cannot, therefore, have a natural right to do so. By the necessary operation of man's inherent imperfections, a country governed by the multitude must become the seat of total confusion, and of utter wretchedness; the hot-bed of every evil and destructive

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destructive passion; or, to use the energetic language of the poet,

It must become a wilderness again,
Peopled with wolves, its old inhabitants:
For, in truth, where all govern, nobody is governed.

In this pernicious state, if it were the general and unalterable will of the multitude to live, that will could not be over-ruled; but then in all that number every individual would be highly and atrociously guilty in the sight of God and man, for indulging a propensity so destructive and so contrary to right. Now the operation of such a will is always more or less to be apprehended, and from that very circumstance arises the chief difficulty of political contrivance; it being one of the most inherent evil propensities of man to resist controul and government, and generally with a repugnance the most violent and pertinacious when controul is the most necessary; namely, when his will is bad and dangerous.

As men have not in reason any right to govern themselves, or to be governed by their own consent, so neither do there appear in the established order of nature, any traces of a plan by which they may enjoy that privilege.

As soon as man is born, he is subject, by the ordinance of nature and of providence, to the government of others wiser than himself: he owes obedience to his parents, or to those by whom his infant weakness may chance to be protected. If
independent

independent rights of self-government were natural and inherent, they would belong to infants no less than to adults; the *rights of children* would deserve as much respect as the boasted *rights of man*; and consequently no child could justly be governed but by his own consent; no parent could have any right to command the children he produced and nourished. To assert which, would be no less an outrage to reason than to religion. So far is this from being true, that to controul their children is not only a right of parents, but a duty indispensably incumbent on them; since otherwise, we know the growing mind would soon become depraved.

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Man is thus born subject to a natural government. As he grows to riper age, he must of course be subject to that government to which his parents or supporters owe allegiance, and under which they found that safety and protection they were thus enabled to extend to him. To that which those obey who govern him, he must by implication owe obedience: and if at years of full discretion he resolve to fix his lot in the same country, he tacitly consents to live there on the terms on which he was at first supported, and to continue that implied allegiance. Thus, if there be any government in the country where he is produced, he is born under an implied, and he lives under an actual obligation to obey it, and if he disobey, is justly liable to punishment. If there be no government already established, he, and
every

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every other individual, is bound in moral obligation to form, as soon as possible, and with their utmost wisdom and goodness, that which is so absolutely necessary to the welfare of human society. In doing this, he will confer the greatest benefit he can upon the whole community.

Are there then no *rights of man*? There are undoubtedly, and those of the most clear and certain nature. In general terms, whatever man may reasonably expect from wisdom and from goodness, the universal sources of government, is his undoubted *right*. The wisdom and goodness of God have given him life, and evidently mean to give a life well worth acceptance; consequently he has a right to expect of human wisdom and goodness that they will imitate the divine, and endeavour to secure to him his life and all that innocently conduces to its comfort. More particularly may he expect this, as it is the professed design of government to promote the general welfare of society, which can only be effected by preserving, as far as may be possible, whatever is essential to the being and well-being of every individual. Now these essentials are life, and whatever belongs to the natural perfection of man; as health, and the integrity of his limbs; liberty of action, so far as may be not injurious to others; personal liberty, property, reputation, and that rank and situation among men which he has fairly and justly obtained. The security of these is necessary to the happiness of every man: to have them,

them, therefore, protected, is the natural right of every man ; and, by every good and well-formed government, they are accordingly defended.

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These are the *rights of man* which wisdom and goodness will of course endeavour to preserve, and which the law of Great Britain recognises in their very fullest extent. Besides these there are no natural rights. In general, if a man be desirous to act wisely and virtuously, he has a right to expect support and protection : if he be desirous to act foolishly or wickedly, he should in reason expect that wisdom and goodness will exert themselves to counteract and punish him ; nor has he even the smallest shadow of a right to look for other treatment.

In every instance wherein the *rights of man* above enumerated are not sufficiently protected, a government is doubtless faulty, and ought to be amended. The best government will contain within itself the means of making such amendments, whenever they shall appear necessary, without convulsion, and without danger : and whenever there are, in the regular constitution of a state, such provisions for amendment, the guilt of seeking to produce it by means more violent, and of great hazard, will be very much enhanced.

To the above specified natural *rights of man* the claim of all men is equal ; for it arises to all from the same consideration, that of the wisdom and goodness of the Creator and common Father of mankind. The moral equality that leads us

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to respect them, is denominated justice: it is the foundation of all law, and considers men as such, without respect to accidental distinctions. The disregard of these rights is called injustice; and the act of infringing them by the violence of superior strength, is named oppression. Wherever there is not a sufficient defence provided for them in the constitution of a state, there is an opening for oppression; which it is certainly important to fill up by wise and just provisions.

*A Review of the French Declaration of the Rights
of Men and Citizens.*

[The preamble is omitted, as containing nothing that requires to be controverted, except the general notion that the good proposed can be effected by the declaration subjoined, the falsehood of which will be evident from the remarks annexed.]

DECLARATION.

REMARKS.

I.

I.

MEN are born and always continue free and equal as to their rights. Social distinctions can be founded only upon general utility.

THERE is nothing in this article that is objectionable, or not recognised fully by the constitution of Great-Britain.

II.

II.

The end of every political

This also is acknowledged;

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political association is the preservation of the natural and imprescriptible rights of man. These rights are, *liberty, property, security, and resistance of oppression.*

ledged; and is asserted fully in this treatise, at p. 21.

III.

The nation is essentially the source of all sovereignty. No body of men, nor any individual, can exercise any authority which is not derived from it.

III.

The nation has, indeed, essentially the power by which all government must be supported. But government is its most essential want: could a nation govern itself, there would be no occasion to appoint a government.

The principle is also practically dangerous: who will obey, when he is told that it is his right to govern? They who can controul their governors, are not governed. That all authority is, in fact, derived from the collective strength of the many, is a truth; but is a truth from which no obligation to obey the many can be properly deduced. The many must obey, for their own sakes, because they know not how to govern. If they command, it is because they can, not because they ought: because they are strong and wilful, not because they are either wise or virtuous. If a ma-

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majority, however great, assume, by force, the right of governing, because they have the power, they injure the minority ; for every man has a natural right to be governed by reason and justice, not by brute force.

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IV.

IV.

Liberty consists in the power of doing whatever does not injure another. Thus the exercise of the natural rights of every man, has no other limits than those which ensure to every other member of the same society, the enjoyment of the same rights. These limits can be determined only by the law.

This is true, and seems to need no particular remark.

V.

V.

The law has no right to forbid any actions except those which may be hurtful to society. What is not forbidden by the law should not be hindered ; nor can any man be forced to do what

This too is very well, if it be remembered that the law alone is to determine what is hurtful.

VI. The

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what the law does not
require.

VI.

The law is the expression of the general will. All citizens have a right to concur personally, or by their representatives, in its formation. It should be the same for all, whether it protects or punishes. All citizens, being equal in its sight, are equally admissible to all dignities, places, and public employments, according to their qualifications, and without any distinction, except that created by their virtue or their talents.

VI.

The law is the expression of the wisdom and the justice of the men who formed it, and is, if they were well selected, the best wisdom of the nation: to this the various wills of the community should properly be subject. There is no such thing as a general will in large societies, for there never can be unanimity; and the will of a majority may be unjust, when that of a minority is just. If citizens had all a personal right to concur in forming laws, the sending representatives would not be an equivalent. But the forming of laws is matter of prudence, not of right; and representatives are chosen to secure the people from oppression, not to utter their intentions, or to take up their

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opinions right or wrong. That laws should be equal, is true. As to the eligibility of men to places, as places do not rank among the rights of men, the caution seems unnecessary. Much, however, will depend upon the latitude of the interpretation. If it be meant that a priest may be created a judge, or a lawyer a bishop, upon proof or supposition of their being qualified, the measure would produce some discontent, and on the whole, perhaps, more harm than good. If it be intended only to prevent exclusive claims of classes more arbitrary, such as nobles or plebeians, to certain employments, the provision is just enough; but should be made in another way, by the denial of exclusive arbitrary privileges.

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VII.

VII.

No man can be accused, arrested, or held in confinement, except in cases determined by the law, and according to the forms thereby prescribed. They who solicit, promote, execute, or cause to be executed, any arbitrary orders, ought to be punished: but every citizen

Very right; and perfectly established here in England: except that there is a latitude in the terms of the declaration in this place, which might admit of much ridiculous interpretation.

VIII.

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zen cited or apprehended by virtue of the law, ought to obey instantly, and by resistance becomes culpable.

VIII.

The law should not establish any punishments but such as are strictly and evidently necessary: and no man should be punished but by virtue of a law established and promulgated before the offence, and legally applied.

IX.

As every man is presumed innocent till his guilt is [legally] declared, whenever the detention of any one is judged indispensable, all rigour beyond what is necessary to secure his person, should be severely prohibited by law.

X.

No man should be molested

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VIII.

Right: except that it is hardly possible for human wisdom to determine what punishments are strictly and evidently necessary in some cases. The latter clause is perfectly right.

IX.

Right.

X.

Very just; and perfectly
D d 4

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molested on account of his opinions, not even his religious opinions, provided his avowal of them does not interrupt the public order which by law has been established.

fectly consistent with the principles laid down above, in chapter the thirteenth.

XI.

The free communication of thoughts and opinions is one of the most precious rights of man: every man may, therefore, speak, write, or print freely, except that he must answer for the abuse of this liberty in cases determined by the law.

XI.

This being only the fourth article applied to a particular case is nugatory and superfluous. It means only that a man may do in this respect, as well as others, whatever the law does not forbid. As to the free communication of thoughts being one of the most precious rights of man, it is true enough; it is a part of personal liberty, and conduces both to the comfort and to the improvement of life.

XII. A

XII. This

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XII.

A public force being of necessity required to guarantee the rights of men and citizens, that force is instituted for the benefit of all, and not for the private advantage of those to whom it is entrusted.

XII.

This no Englishman will deny.

XIII.

For the support of the public force, and for the expences of government, a public contribution is of indispensable necessity. This, therefore, should be equally divided among all the citizens according to their property.

XIII.

Very true : adding only, if possible.

XIV.

Every citizen has a right, by himself or his representative, to determine the necessity of public contribution, to give a free consent to it, to examine the employment

XIV.

They who give their money have certainly a right to be well satisfied that it is legally demanded, and justly used; but as most of these points are totally beyond the

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ployment of it, and to regulate the amount, assessment, enforcement, and duration.

the knowledge of the generality, and as the people always will incline against an impost, the general management of all these points must be entrusted to the government, or rather to the legislature, under due restrictions.

XV.

The society has a right to demand of every public agent, an account of his administration.

XV.

Every public agent who betrays his trust should be punished by the law. The sovereign, however, is not properly a public agent, nor can consistently be made responsible. See p. 85.

XVI.

Every society in which there is no full security of rights established, nor separation of powers determined, is without a constitution.

XVI.

It should rather be said, that every such society has a bad constitution; though what is said about the separation of powers is not very intelligible.

XVII. The

XVII. The

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XVII.

The right to property being inviolable and sacred, no one ought to be deprived of it, except in cases when public necessity, legally ascertained, may evidently demand it, and on condition of a just and previous indemnity.

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XVII.

The plea of public necessity was evidently intended to cover the bold rapines of the national assembly.*. But public necessity can attack no particular property in preference to others: as the law is equal to all, so also the necessity which supercedes the law must press on all alike, and confiscate all property or none. What indemnity have the French clergy received?

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Such is the celebrated Declaration of Rights, which asserts no claim that is not granted freely to all Englishmen, except such as are founded on false principles.

* So spake the fiend, and with necessity,

The tyrant's plea, excus'd his devilish deeds.

Parad. Lost, iv. 393.

MARY

MARY WOLLSTONECRAFT.

Vindication
of the Rights
of Men, in a
Letter to the
Right Hon.
Edmund
Burke.

LIBERTY, in this simple, unsophisticated sense, I acknowledge is a fair idea that has never yet received a form in the various governments that have been established on our beauteous globe; the demon of property has ever been at hand to encroach on the SACRED RIGHTS OF MAN, and to fence round with awful pomp laws that war with justice. But that it results from the eternal foundation of right—from immutable truth—who will presume to deny, that pretends to rationality—if reason has led them to build their morality and religion on an everlasting foundation—the attributes of God?

The civilization which has taken place in Europe has been very partial, and, like every custom that an arbitrary point of honour has established, refines the manners at the expence of morals, by making sentiments and opinions current in conversation, that have no root in the heart, or weight in the cooler resolves of the mind.—And what has stopped its progress?—Hereditary property—hereditary honours. The man has been changed into an artificial monster, by the station in which he was born, and the consequent homage that benumbed his faculties like the torpedo's touch;—or a being, with a capacity of reasoning, would not have failed to discover, as his faculties unfolded,

folded, that true happiness arose from the friendship and intimacy which can only be enjoyed by equals; and that charity is not a condescending distribution of alms, but an intercourse of good offices and mutual benefits, founded on respect for justice and humanity.

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Governed by these principles, the poor wretch, whose *inelegant* distress extorted from a mixed feeling of disgust and animal sympathy present relief, would have been considered as a man whose misery demanded a part of his birthright, supposing him to be industrious: but should his vices have reduced him to poverty, he could only have addressed his fellow-men as weak beings, subject to like passions, who ought to forgive, because they expect to be forgiven, for suffering the impulse of the moment to silence the suggestions of conscience, or reason, which you will; for, in my view of things, they are synonymous terms.

Will Mr. Burke be at the trouble to inform us, how far we are to go back to discover *the rights of men*, since the light of reason is such a fallacious guide that none but fools trust to its cold investigation?

In the infancy of society, confining our view to our own country, customs were established by the lawless power of an ambitious individual: or a weak prince was obliged to comply with every demand of the licentious barbarous insurgents, who disputed his authority with irrefragable arguments at the point of their swords; or the more specious

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specious requests of the parliament, who only allowed him conditional supplies.

Are these the venerable pillars of our constitution? And is magna charta to rest for its chief support on a former grant, which reverts to another, till chaos becomes the base of the mighty structure—or we cannot tell what?—for coherence, without some pervading principle of order, is a solecism.

Speaking of Edward III. Hume observes, that “ he was a prince of great capacity, not governed by favourites, not led astray by any unruly passion, sensible that nothing could be more essential to his interests than to keep on good terms with his people : yet on the whole it appears, that the government at best was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain or undisputed rights, which in practice were regularly observed. The king conducted himself by one set of principles ; the barons by another ; the commons by a third ; the clergy by a fourth. All these systems of government were opposite and incompatible : each of them prevailed in its turn, as incidents were favourable to it : a great prince rendered the monarchical power predominant : the weakness of a king gave reins to the aristocracy : a superstitious age saw the clergy triumphant : the people, for whom chiefly government was instituted, and who chiefly deserve consideration, were the weakest of the whole.”

And

And just before that most auspicious æra, the fourteenth century, during the reign of Richard II. whose total incapacity to manage the reins of power, and keep in subjection his haughty barons, rendered him a mere cypher; the house of commons, to whom he was obliged frequently to apply, not only for subsidies, but assistance to quell the insurrections that the contempt in which he was held naturally produced, gradually rose into power; for whenever they granted supplies to the king, they demanded in return, though it bore the name of petition, a confirmation, or the renewal of former charters, which had been infringed, and even utterly disregarded by the king and his fe- ditious barons, who principally held their independence of the crown by force of arms, and the encouragement which they gave to robbers and villains, who infested the country, and lived by rapine and violence.

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To what dreadful extremities were the poorer sort reduced! their property, the fruit of their industry, being entirely at the disposal of their lords, who were so many petty tyrants.

In return for the supplies and assistance which the king received from the commons, they demanded privileges, which Edward, in his distress for money to prosecute the numerous wars in which he was engaged during the greater part of his reign, was constrained to grant them; so that by degrees they rose to power, and became a check on both king and nobles. Thus was the foundation

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dation of our liberty established, chiefly through the pressing necessities of the king, who was more intent on being supplied for the moment, in order to carry on his wars and ambitious projects, than aware of the blow he gave to kingly power, by thus making a body of men feel their importance, who afterwards might strenuously oppose tyranny and oppression, and effectually guard the subject's property from seizure and confiscation. Richard's weakness completed what Edward's ambition began.

At this period, it is true, Wickliffe opened a vista for reason, by attacking some of the most pernicious tenets of the church of Rome; still the prospect was sufficiently misty to authorise the question—Where was the dignity of thinking of the fourteenth century?

A Roman catholic, it is true, enlightened by the reformation, might, with singular propriety, celebrate the epoch that preceded it, to turn our thoughts from former atrocious enormities; but a protestant must acknowledge that this faint dawn of liberty only made the subsiding darkness more visible; and that the boasted virtues of that century all bear the stamp of stupid pride and headstrong barbarism. Civility was then called condescension, and ostentatious almsgiving humanity: and men were content to borrow their virtues, or, to speak with more propriety, their consequence, from posterity, rather than undertake the arduous task of acquiring it for themselves.

The imperfection of all modern governments must, without waiting to repeat the trite remark, that all human institutions are unavoidably imperfect, in a great measure have arisen from this simple circumstance, that the constitution, if such an heterogeneous mass deserve that name, was settled in the dark days of ignorance, when the minds of men were shackled by the grossest prejudices and most immoral superstition. And do you, sir, a sagacious philosopher, recommend night as the fittest time to analyse a ray of light?

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Are we to seek for *the rights of men* in the ages when a few marks were the only penalty imposed for the life of a man, and death for death when the property of the rich was touched? when—I blush to discover the depravity of our nature—when a deer was killed! Are these the laws that it is natural to love, and sacrilegious to invade?—Were *the rights of men* understood when the law authorised or tolerated murder?—or is power and right the same in your creed?

It is necessary emphatically to repeat, that there are *rights* which men inherit at their birth, as rational creatures, who were raised above the brute creation by their improvable faculties; and that in receiving these, not from their forefathers, but from God, prescription can never undermine natural rights.

A father may dissipate his property without his child having any right to complain; but should he attempt to sell him for a slave, or fetter him

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with laws contrary to reason, Nature, in enabling him to discern good from evil, teaches him to break the ignoble chain, and not to believe that bread becomes flesh, and wine blood, because his parents swallowed the eucharist with this blind persuasion.

There is no end to this implicit submission to authority—somewhere it must stop, or we return to barbarism; and the capacity of improvement, which gives us a natural sceptre on earth, is a cheat, an ignis fatuus, that leads us from inviting meadows into bogs and dunghills. And if it be allowed that many of the precautions with which any alteration was made in our government were prudent, it rather proves its weakness, than substantiates an opinion of the soundness of the stamina, or the excellence of the constitution.

The declaration of the national assembly, when they recognised the rights of men, was calculated to touch the humane heart—the downfall of the clergy, to agitate the pupil of impulse. On the watch to find fault, faults met your prying eye; a different prepossession might have produced a different conviction.

When we read a book that supports our favourite opinions, how eagerly do we suck in the doctrines, and suffer our minds placidly to reflect the images that illustrate the tenets we have previously embraced! We indolently acquiesce in the conclusion, and our spirit animates and corrects the various subjects. But when, on the contrary, we peruse a skilful writer, with whom we do not coincide

cide in opinion, how attentive is the mind to detect fallacy ! And this suspicious coolness often prevents our being carried away by a stream of natural eloquence, which the prejudiced mind terms declamation—a pomp of words ! We never allow ourselves to be warmed ; and, after contending with the writer, are more confirmed in our opinion, as much perhaps from a spirit of contradiction as from reason. A lively imagination is ever in danger of being betrayed into error by favourite opinions, which it almost personifies, the more effectually to intoxicate the understanding. Always tending to extremes, truth is left behind in the heat of the chase, and things are viewed as positively good or bad, though they wear an equivocal face.

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Some celebrated writers have supposed that wit and judgment were incompatible ; opposite qualities, that, in a kind of elementary strife, destroyed each other : and many men of wit have endeavoured to prove that they were mistaken. Much may be adduced by wits and metaphysicians on both sides of the question. But, from experience, I am apt to believe that they do weaken each other, and that great quickness of comprehension, and facile association of ideas, naturally preclude profundity of research. Wit is often a lucky hit : the result of a momentary inspiration. We know not whence it comes, and it blows where it lists. The operations of judgment, on the contrary, are cool and circumspect ; and coolness and delibera-

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tion are great enemies to enthusiasm. If wit is of so fine a spirit that it almost evaporates when translated into another language, why may not the temperature have an influence over it? This remark may be thought derogatory to the inferior qualities of the mind: but it is not a hasty one; and I mention it as a prelude to a conclusion I have frequently drawn, that the cultivation of reason damps fancy. The blessings of Heaven lie on each side; we must choose, if we wish to attain any degree of superiority, and not lose our lives in laborious idleness. If we mean to build our knowledge or happiness on a rational basis, we must learn to distinguish the *possible*, and not fight against the stream. And if we are careful to guard ourselves from imaginary sorrows and vain fears, we must also resign many enchanting illusions: for shallow must be the discernment which fails to discover that raptures and ecstasies arise from error.—Whether it will always be so, is not now to be discussed; suffice it to observe, that truth is seldom arrayed by the graces; and if she charms, it is only by inspiring a sober satisfaction, which takes its rise from a calm contemplation of proportion and simplicity. But, though it is allowed that one man has by nature more fancy than another, in each individual there is a spring-tide, when fancy should govern and amalgamate materials for the understanding; and a graver period, when those materials should be employed by the judgment. For example, I am inclined to
have

have a better opinion of the heart of an *old* man, who speaks of STERNE as his favourite author, than of his understanding. There are times and seasons for all things: and moralists appear to me to err, when they would confound the gaiety of youth with the seriousness of age; for the virtues of age look not only more imposing, but more natural, when they appear rather rigid. He who has not exercised his judgment to curb his imagination during the meridian of life, becomes, in its decline, too often the prey of childish feelings. Age demands respect; youth love: if this order is disturbed, the emotions are not pure; and when love for a man in his grand climacteric takes place of respect, it, generally speaking, borders on contempt. Judgment is sublime, wit beautiful; and, according to your own theory, they cannot exist together without impairing each other's power. The predominancy of the latter, in your endless Reflections, should lead hasty readers to suspect that it may, in a great degree, exclude the former.

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But among all your plausible arguments, and witty illustrations, your contempt for the poor always appears conspicuous, and rouses my indignation. The following paragraph in particular struck me as breathing the most tyrannic spirit, and displaying the most factitious feelings. "Good order is the foundation of all good things. To be enabled to acquire, the people, without being servile, must be tractable and obedient,

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“ The magistrate must have his reverence, the
 “ laws their authority. The body of the people
 “ must not find the principles of natural subor-
 “ dination by art rooted out of their minds. They
 “ *must* respect that property of which they *cannot*
 “ partake. *They must labour to obtain what by*
 “ *labour can be obtained; and when they find, as*
 “ *they commonly do, the success disproportioned to the*
 “ *endeavour, they must be taught their consolation in*
 “ *the final proportions of eternal justice.* Of this con-
 “ solation whoever deprives them, deadens their
 “ industry, and strikes at the root of all acquisition
 “ as of all conservation. He that does this is
 “ the cruel oppressor, the merciless enemy of the
 “ poor and wretched; at the same time that, by
 “ his wicked speculations, he exposes the fruits of
 “ successful industry, and the accumulations of
 “ fortune,” (ah ! there’s the rub) “ to the plunder
 “ of the negligent, the disappointed, and the un-
 “ prosperous.”

This is contemptible hard-hearted sophistry, in the specious form of humility, and submission to the will of Heaven.—It is, sir, *possible* to render the poor happier in this world, without depriving them of the consolation which you gratuitously grant them in the next. They have a right to more comfort than they at present enjoy; and more comfort might be afforded them, without encroaching on the pleasures of the rich: not now waiting to enquire whether the rich have any right to exclusive pleasures. What do I say?—
 I encroaching !

encroaching! No; if an intercourse were established between them, it would impart the only true pleasure that can be snatched in this land of shadows, this hard school of moral discipline.

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I know, indeed, that there is often something disgusting in the distresses of poverty, at which the imagination revolts, and starts back to exercise itself in the more attractive Arcadia of fiction. The rich man builds a house; art and taste give it the highest finish. His gardens are planted, and the trees grow to recreate the fancy of the planter; though the temperature of the climate may rather force him to avoid the dangerous damps they exhale, than seek the umbrageous retreat. Every thing on the estate is cherished but man;—yet, to contribute to the happiness of man, is the most sublime of all enjoyments. But if, instead of sweeping pleasure-grounds, obelisks, temples, and elegant cottages, as *objects* for the eye, the heart was allowed to beat true to nature, decent farms would be scattered over the estate, and plenty smile around. Instead of the poor being subject to the griping hand of an avaricious steward, they would be watched over with fatherly solicitude, by the man whose duty and pleasure it was to guard their happiness, and shield from rapacity the beings who, by the sweat of their brow, exalted him above his fellows.

I could almost imagine I see a man thus gathering blessings as he mounted the hill of life; or consolation, in those days when the spirits lag, and

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the tired heart finds no pleasure in them. It is not by squandering alms that the poor can be relieved or improved—it is the fostering fun of kindness, the wisdom that finds them employments calculated to give them habits of virtue, that meliorates their condition. Love is only the fruit of love; condescension and authority may produce the obedience you applaud; but he has lost his heart of flesh who can see a fellow-creature humbled before him, and trembling at the frown of a being, whose heart is supplied by the same vital current, and whose pride ought to be checked by a consciousness of having the same infirmities.

Your real or artificial affection for the English constitution seems to me to resemble the brutal affection of some weak characters. They think it a duty to love their relations with a blind, indolent tenderness, that *will not* see the faults it might assist to correct, if their affection had been built on rational grounds. They love they know not why, and they will love to the end of the chapter.

Is it absolute blasphemy to doubt of the omnipotence of the law, or to suppose that religion might be more pure if there were fewer baits for hypocrites in the church? But our manners, you tell us, are drawn from the French, though you had before celebrated our native plainness*. If they

* Page 118. “It is not clear whether in England we
“learned those grand and decorous principles, and manners, of
“which considerable traces yet remain, from you, or whether
“you

they were, it is time we broke loose from dependence—time that Englishmen drew water from their own springs; for, if manners are not a painted substitute for morals, we have only to cultivate our reason, and we shall not feel the want of an arbitrary model. Nature will suffice; but I forget myself:—Nature and reason, according to your system, are all to give place to authority; and the gods, as Shakespeare makes a frantic wretch exclaim, seem to kill us for their sport, as men do flies.

Before I conclude my cursory remarks, it is but just to acknowledge that I coincide with you in your opinion respecting the *sincerity* of many modern philosophers. Your consistency in avowing a veneration for rank and riches deserves praise; but I must own that I have often indignantly observed that some of the *enlightened* philosophers, who talk most vehemently of the native rights of men, borrow many noble sentiments to adorn their conversation, which have no influence on their conduct. They bow down to rank, and are careful to secure property; for virtue, without this adventitious drapery, is seldom very respectable in their eyes—nor are they very quick-sighted

“you took them from us. But to you, I think, we trace them
 “best. You seem to me to be *gentis incunabula nostræ*. France
 “has always more or less influenced manners in England; and
 “when your fountain is choked up and polluted, the stream
 “will not run long, or not run clear with us, or perhaps with
 “any nation. This gives all Europe, in my opinion, but too
 “close and connected a concern in what is done in France.”

to

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to discern real dignity of character, when no found-
ing name exalts the man above his fellows.—But
neither open enmity, nor hollow homage, destroys
the intrinsic value of those principles which rest on
an eternal foundation, and revert for a standard to
the immutable attributes of God,

MISCELLANEOUS MATTER.

MR. BURKE.

THE factions now so busy amongst us in order to divest men of all love for their country, and to remove from their minds all duty with regard to the state, endeavour to propagate an opinion, that the *people*, in forming their commonwealth, have by no means parted with their power over it. This is an impregnable citadel, to which these gentlemen retreat whenever they are pushed by the battery of laws, and usages, and positive conventions. Indeed it is such, and of so great force, that all they have done in defending their outworks is so much time and labour thrown away. Discuss any of their schemes—their answer is—It is the act of the *people*, and that is sufficient. Are we to deny to a *majority* of the people the right of altering even the whole frame of their society, if such should be their pleasure? They may change it, say they, from a monarchy to a republic to-day, and to-morrow back again from a republic to a monarchy; and so backward and forward as often as they like. They are masters of the commonwealth;

An Appeal
from the
New Whigs,
&c.

Mr. Burke. wealth; because in substance they are themselves the commonwealth. The French revolution, say they, was the act of the majority of the people; and if the majority of any other people, the people of England for instance, wish to make the same change, they have the same right.

Just the same undoubtedly. That is, none at all. Neither the few nor the many have a right to act merely by their will, in any matter connected with duty, trust, engagement, or obligation. The constitution of a country being once settled upon some compact tacit or expressed, there is no power existing of force to alter it, without the breach of the covenant, or the consent of all the parties. Such is the nature of a contract. And the votes of a majority of the people, whatever their infamous flatterers may teach in order to corrupt their minds, cannot alter the moral any more than they can alter the physical essence of things. The people are not to be taught to think lightly of their engagements to their governors, else they teach governors to think lightly of their engagements towards them. In that kind of game, in the end, the people are sure to be losers. To flatter them into a contempt of faith, truth, and justice, is to ruin them; for in these virtues consists their whole safety. To flatter any man, or any part of mankind, in any description, by asserting, that in engagements he or they are free whilst any other human creature is bound, is ultimately to vest the rule of morality in the pleasure of those who ought
to

to be rigidly submitted to it ; to subject the sovereign reason of the world to the caprices of weak and giddy men. Mr. Burke.

But, as no one of us men can dispense with public or private faith, or with any other tie of moral obligation, so neither can any number of us. The number engaged in crimes, instead of turning them into laudable acts, only augments the quantity and the intensity of the guilt. I am well aware, that men love to hear of their power, but have an extreme dislike to be told of their duty. This is of course ; because every duty is a limitation of some power. Indeed arbitrary power is so much to the depraved taste of the vulgar, of the vulgar of every description, that almost all the dissensions which lacerate the commonwealth, are not concerning the manner in which it is to be exercised, but concerning the hands in which it is to be placed. Somewhere they are resolved to have it. Whether they desire it to be vested in the many or the few, depends with most men upon the chance which they imagine they themselves may have of partaking in the exercise of that arbitrary sway, in the one mode or in the other.

It is not necessary to teach men to thirst after power. But it is very expedient that by moral instruction they should be taught, and by their civil constitutions they should be compelled, to put many restrictions upon the immoderate exercise of it, and the inordinate desire. The best method of obtaining these

Mr. Burke. these two great points forms the important, but at the same time the difficult problem to the true statesman. He thinks of the place in which political power is to be lodged, with no other attention than as it may render the more or the less practicable its salutary restraint, and its prudent direction. For this reason no legislator, at any period of the world, has willingly placed the seat of active power in the hands of the multitude; because there it admits of no controul, no regulation, no steady direction whatsoever. The people are the natural controul on authority; but to exercise and to controul together, is contradictory and impossible.

As the exorbitant exercise of power cannot, under popular sway, be effectually restrained, the other great object of political arrangement, the means of abating an excessive desire of it, is in such a state still worse provided for. The democratic commonwealth is the fruitful nurse of ambition. Under the other forms it meets with many restraints. Whenever, in states which have had a democratic basis, the legislators have endeavoured to put restraints upon ambition, their methods were as violent as in the end they were ineffectual, as violent indeed as any the most jealous despotism could invent. The ostracism could not very long save itself, and much less the state which it was meant to guard, from the attempts of ambition, one of the natural, inbred, incurable distempers of a powerful democracy.

But,

But, to return from this short digression, which Mr. Burke.
however is not wholly foreign to the question of the
effect of the will of the majority upon the form or
the existence of their society—I cannot too often
recommend it to the serious consideration of all
men who think civil society to be within the pro-
vince of moral jurisdiction, that if we owe to it any
duty, it is not subject to our will. Duties are not
voluntary. Duty and will are even contradictory
terms. Now, though civil society might be at first a
voluntary act (which in many cases it undoubtedly
was), its continuance is under a permanent standing
covenant, co-existing with the society ; and it at-
taches upon every individual of that society, with-
out any formal act of his own. This is warranted
by the general practice, arising out of the general
sense of mankind. Men without their choice de-
rive benefits from that association ; without their
choice they are subjected to duties in consequence
of these benefits ; and without their choice they
enter into a virtual obligation as binding as any
that is actual. Look through the whole of life
and the whole system of duties. Much the strongest
moral obligations are such as were never the results
of our option. I allow, that if no supreme ruler
exists, wise to form, and potent to enforce, the
moral law, there is no sanction to any contract,
virtual or even actual, against the will of prevalent
power. On that hypothesis, let any set of men be
strong enough to set their duties at defiance, and
they

Mr. Burke. they cease to be duties any longer. We have but this one appeal against irresistible power—

*Si genus humanum et mortalia temnitis arma,
At sperate Deos memores fandi atque nefandi.*

Taking it for granted that I do not write to the disciples of the Parisian philosophy, I may assume, that the awful Author of our being is the author of our place in the order of existence; and that having disposed and marshalled us by a divine tactic, not according to our will, but according to his, he has, in and by that disposition, virtually subjected us to act the part which belongs to the place assigned us. We have obligations to mankind at large, which are not in consequence of any special voluntary pact. They arise from the relation of man to man, and the relation of man to God; which relations are not matters of choice. On the contrary, the force of all the pacts which we enter into with any particular person or number of persons amongst mankind, depends upon those prior obligations. In some cases the subordinate relations are voluntary, in others they are necessary—but the duties are all compulsive. When we marry, the choice is voluntary; but the duties are not matter of choice—they are dictated by the nature of the situation. Dark and inscrutable are the ways by which we come into the world. The instincts which give rise to this mysterious process of nature are not of our making. But out of physical causes, unknown to us, perhaps unknowable, arise moral duties,

duties, which, as we are able perfectly to comprehend, we are bound indispensably to perform. Mr. Burke.
 Parents may not be consenting to their moral relation; but, consenting or not, they are bound to a long train of burthensome duties towards those with whom they have never made a convention of any sort. Children are not consenting to their relation; but their relation, without their actual consent, binds them to its duties; or rather it implies their consent, because the presumed consent of every rational creature is in unison with the pre-disposed order of things. Men come in that manner into a community with the social state of their parents, endowed with all the benefits, loaded with all the duties of their situation. If the social ties and ligaments, spun out of those physical relations which are the elements of the commonwealth, in most cases begin, and always continue, independently of our will; so, without any stipulation on our part, are we bound by that relation called our country, which comprehends (as it has been well said) “ * all the charities of all.” Nor are we left without powerful instincts to make this duty as dear and grateful to us, as it is awful and coercive. Our country is not a thing of mere physical locality. It consists, in a great measure, in the ancient order into which we are born. We may have the same geographical situation, but another country; as we may have the same country in another soil. The place that

* Omnes omnium charitates patria una complectitur. Cic.

Mr. Burke. determines our duty to our country, is a social, civil relation.

These are the opinions of the author whose cause I defend. I lay them down not to enforce them upon others by disputation, but as an account of his proceedings. On them he acts; and from them he is convinced, that neither he, nor any man or number of men, have a right (except what necessity, which is out of and above all rule, rather imposes than bestows) to free themselves from that primary engagement into which every man born into a community as much contracts by his being born into it, as he contracts an obligation to certain parents by his having been derived from their bodies. The place of every man determines his duty. If you ask, *Quem te Deus esse jussit?* you will be answered when you resolve this other question, *Humana qua parte locatus es in re* *?

I admit, indeed, that in morals, as in all things else, difficulties will sometimes occur. Duties will sometimes cross one another. Then questions will arise, which of them is to be placed in subordination? which of them may be entirely superseded?

* A few lines in Persius contain a good summary of all the objects of moral investigation, and hint the result of our enquiry: there human will has no place—

Quid sumus? et quidnam victuri gignimur? ordo

Quis datus? et metæ quis mollis flexus et unde?

Quis modus argento? Quid fas optare? Quid asper

Utile nummus habet? Patriæ charisque propinquis

Quantum elargiri debeat?—Quem te Deus esse

Jussit?—et humana qua parte locatus es in re?

These

These doubts give rise to that sort of moral science called *casuistry*; which, though necessary to be well studied by those who would become expert in that learning, who aim at becoming what I think Cicero somewhere calls *artifices officiorum*; it requires a very solid and discriminating judgment, great modesty and caution, and much sobriety of mind in the handling; else there is a danger that it may totally subvert those offices which it is its object only to methodise and reconcile. Duties, at their extreme bounds, are drawn very fine, so as to become almost evanescent. In that state, some shade of doubt will always rest on these questions, when they are pursued with great subtilty. But the very habit of stating these extreme cases is not very laudable or safe: because, in general, it is not right to turn our duties into doubts. They are imposed to govern our conduct, not to exercise our ingenuity; and therefore our opinions about them ought not to be in a state of fluctuation, but steady, sure, and resolved.

Mr. Burke.

Amongst these nice, and therefore dangerous, points of casuistry, may be reckoned the question so much agitated in the present hour—Whether, after the people have discharged themselves of their original power by an habitual delegation, no occasion can possibly occur which may justify their resumption of it? This question, in this latitude, is very hard to affirm or deny: but I am satisfied that no occasion can justify such a resumption, which would not equally authorise a dispensation

Mr. Burke. with any other moral duty, perhaps with all of them together. However, if in general it be not easy to determine concerning the lawfulness of such devious proceedings, which must be ever on the edge of crimes, it is far from difficult to foresee the perilous consequences of the resuscitation of such a power in the people. The practical consequences of any political tenet go a great way in deciding upon its value. Political problems do not primarily concern truth or falsehood: they relate to good or evil. What in the result is likely to produce evil, is politically false: that which is productive of good, politically is true.

Believing it therefore a question at least arduous in the theory, and in the practice very critical, it would become us to ascertain, as well as we can, what form it is that our incantations are about to call up from darkness and the sleep of ages. When the supreme authority of the people is in question, before we attempt to extend or confine it, we ought to fix in our minds, with some degree of distinctness, an idea of what it is we mean when we say the PEOPLE.

In a state of *rude* nature, there is no such thing as a people. A number of men in themselves have no collective capacity. The idea of a people is the idea of a corporation. It is wholly artificial; and made, like all other legal fictions, by common agreement. What the particular nature of that agreement was, is collected from the form into which the particular society has been cast. Any
other

other is not *their* covenant. When men, there-
 fore, break up the original compact or agreement
 which gives its corporate form and capacity to a
 state, they are no longer a people; they have no
 longer a corporate existence; they have no longer
 a legal coactive force to bind within, nor a claim
 to be recognised abroad. They are a number of
 vague loose individuals, and nothing more. With
 them all is to begin again. Alas! they little know
 how many a weary step is to be taken before they
 can form themselves into a mass, which has a true
 politic personality.

We hear much from men who have not ac-
 quired their hardiness of assertion from the profun-
 dity of their thinking, about the omnipotence of a
majority, in such a dissolution of an ancient society
 as hath taken place in France. But amongst men so
 disbanded, there can be no such thing as a majority
 or minority, or power in any one person to bind
 another. The power of acting by a majority,
 which the gentlemen theorists seem to assume
 so readily, after they have violated the contract
 out of which it has arisen (if at all it existed),
 must be grounded on two assumptions; first,
 that of an incorporation produced by unanimity;
 and secondly, an unanimous agreement, that the
 act of a mere majority (say of one) shall pass with
 them and with others as the act of the whole.

We are so little affected by things which are habi-
 tual, that we consider this idea of the decision of a
majority as if it were a law of our original nature:

Mr. Burke.

but such constructive whole, residing in a part only, is one of the most violent fictions of positive law that ever has been or can be made on the principles of artificial incorporation. Out of civil society, nature knows nothing of it; nor are men, even when arranged according to civil order, otherwise than by very long training, brought at all to submit to it. The mind is brought far more easily to acquiesce in the proceedings of one man, or a few, who act under a general procuration for the state, than in the vote of a victorious majority in councils in which every man has his share in the deliberation. For there the beaten party are exasperated and soured by the previous contention, and mortified by the conclusive defeat. This mode of decision, where wills may be so nearly equal; where, according to circumstances, the smaller number may be the stronger force; and where apparent reason may be all upon one side, and on the other little else than impetuous appetite; all this must be the result of a very particular and special convention, confirmed afterwards by long habits of obedience, by a sort of discipline in society, and by a strong hand, vested with stationary permanent power, to enforce this sort of constructive general will. What organ it is that shall declare the corporate mind, is so much a matter of positive arrangement, that several states, for the validity of several of their acts, have required a proportion of voices much greater than that of a mere majority. These proportions are so entirely governed

governed by convention, that in some cases the minority decides. The laws in many countries to *condemn*, require more than a mere majority; less than an equal number to *acquit*. In our judicial trials we require unanimity either to condemn or to absolve. In some incorporations one man speaks for the whole; in others, a few. Until the other day, in the constitution of Poland, unanimity was required to give validity to any act of their great national council or diet. This approaches much more nearly to rude nature than the institutions of any other country. Such, indeed, every commonwealth must be, without a positive law to recognise in a certain number the will of the entire body.

Mr. Burke.

If men dissolve their ancient incorporation, in order to regenerate their community, in that state of things each man has a right, if he pleases, to remain an individual. Any number of individuals, who can agree upon it, have an undoubted right to form themselves into a state apart and wholly independent. If any of these is forced into the fellowship of another, this is conquest, and not compact. On every principle which supposes society to be in virtue of a free covenant, this compulsive incorporation must be null and void.

As a people can have no right to a corporate capacity without universal consent, so neither have they a right to hold exclusively any lands in the name and title of a corporation. On the scheme of the present rulers in our neighbouring country,

Mr. Burke. regenerated as they are, they have no more right to the territory called France than I have. I have a right to pitch my tent in any unoccupied place I can find for it; and I may apply to my own maintenance any part of their unoccupied soil. I may purchase the house or vineyard of any individual proprietor who refuses his consent (and most proprietors have, as far as they dared, refused it) to the new incorporation. I stand in his independent place. Who are these insolent men calling themselves the French nation, that would monopolise this fair domain of nature? Is it because they speak a certain jargon? Is it their mode of chattering, to me unintelligible, that forms their title to my land? Who are they who claim by prescription and descent from certain gangs of banditti called Franks, and Burgundians, and Visigoths, of whom I may have never heard, and ninety-nine out of an hundred of themselves certainly never have heard; whilst at the very time they tell me, that prescription and long possession form no title to property? Who are they that presume to assert that the land which I purchased of the individual, a natural person, and not a fiction of state, belongs to them, who in the very capacity in which they make their claim can exist only as an imaginary being, and in virtue of the very prescription which they reject and disown? This mode of arguing might be pushed into all the detail, so as to leave no sort of doubt, that on their principles, and on the sort of footing on which they

they have thought proper to place themselves, the crowd of men on the other side of the channel, who have the impudence to call themselves a people, can never be the lawful exclusive possessors of the soil. By what they call reasoning without prejudice, they leave not one stone upon another in the fabric of human society. They subvert all the authority which they hold, as well as all that which they have destroyed.

Mr. Burke

As in the abstract, it is perfectly clear, that, out of a state of civil society, majority and minority are relations which can have no existence; and that, in civil society, its own specific conventions in each incorporation determine what it is that constitutes the people so as to make their act the signification of the general will: to come to particulars, it is equally clear, that neither in France or in England has the original, or any subsequent compact of the state, expressed or implied, constituted *a majority of men, told by the head*, to be the acting people of their several communities. And I see as little of policy or utility, as there is of right, in laying down a principle, that a majority of men told by the head are to be considered as the people, and that as such their will is to be law. What policy can there be found in arrangements made in defiance of every political principle? To enable men to act with the weight and character of a people, and to answer the ends for which they are incorporated into that capacity, we must suppose them (by means immediate or consequential) to be

Mr. Burke.

be in that state of habitual social discipline, in which the wiser, the more expert, and the more opulent, conduct, and by conducting enlighten and protect the weaker, the less knowing, and the less provided with the goods of fortune. When the multitude are not under this discipline, they can scarcely be said to be in civil society. Give once a certain constitution of things, which produces a variety of conditions and circumstances in a state, and there is in nature and reason a principle which, for their own benefit, postpones not the interest but the judgment of those who are *numero plures*, to those who are *virtute et honore majores*. Numbers in a state (supposing, which is not the case in France, that a state does exist) are always of consideration—but they are not the whole consideration. It is in things more serious than a play, that it may be truly said, *Satis est equitem mihi plaudere*.

A true natural aristocracy is not a separate interest in the state, or separable from it. It is an essential integrant part of any large people rightly constituted. It is formed out of a class of legitimate presumptions, which, taken as generalities, must be admitted for actual truths. To be bred in a place of estimation; to see nothing low and sordid from one's infancy; to be taught to respect one's self; to be habituated to the censorial inspection of the public eye; to look early to public opinion; to stand upon such elevated ground as to be enabled to take a large view of the wide-spread

spread and infinitely diversified combinations of ^{Mr. Burke.} men and affairs in a large society; to have leisure to read, to reflect, to converse; to be enabled to draw the court and attention of the wise and learned wherever they are to be found;—to be habituated in armies to command and to obey; to be taught to despise danger in the pursuit of honour and duty; to be formed to the greatest degree of vigilance, foresight, and circumspection, in a state of things in which no fault is committed with impunity, and the slightest mistakes draw on the most ruinous consequences;—to be led to a guarded and regulated conduct, from a sense that you are considered as an instructor of your fellow-citizens in their highest concerns, and that you act as a reconciler between God and man; to be employed as an administrator of law and justice, and to be thereby amongst the first benefactors to mankind; to be a professor of high science, or of liberal and ingenuous art; to be amongst rich traders, who, from their success, are presumed to have sharp and vigorous understandings, and to possess the virtues of diligence, order, constancy, and regularity, and to have cultivated an habitual regard to commutative justice—these are the circumstances of men, that form what I should call a *natural* aristocracy, without which there is no nation.

The state of civil society, which necessarily generates this aristocracy, is a state of nature; and much more truly so than a savage and incoherent mode

Mr. Burke.

mode of life. For man is by nature reasonable; and he is never perfectly in his natural state, but when he is placed where reason may be best cultivated, and most predominates. Art is man's nature. We are as much, at least, in a state of nature in formed manhood, as in immature and helpless infancy. Men qualified in the manner I have just described, form in nature, as she operates in the common modification of society, the leading, guiding, and governing part. It is the soul to the body, without which the man does not exist. To give therefore no more importance, in the social order, to such descriptions of men, than that of so many units, is an horrible usurpation.

When great multitudes act together under that discipline of nature, I recognise the PEOPLE. I acknowledge something that perhaps equals, and ought always to guide the sovereignty of convention. In all things the voice of this grand chorus of national harmony ought to have a mighty and decisive influence. But when you disturb this harmony; when you break up this beautiful order, this array of truth and nature, as well as of habit and prejudice; when you separate the common sort of men from their proper chieftains, so as to form them into an adverse army; I no longer know that venerable object called the people, in such a disbanded race of deserters and vagabonds. For a while they may be terrible indeed; but in such a manner as wild beasts are terrible. The mind owes to them no sort of submission. They are,

are, as they have always been reputed, rebels. They may lawfully be fought with, and brought under, whenever an advantage offers. Those who attempt by outrage and violence to deprive men of any advantage which they hold under the laws, and to destroy the natural order of life, proclaim war against them.

Mr. Burke.

We have read in history of that furious insurrection of the common people in France called the *Jacquerie*; for this is not the first time that the people have been enlightened into treason, murder, and rapine. Its object was to extirpate the gentry. The *Capitain de Buche*, a famous soldier of those days, dishonoured the name of a gentleman and of a man, by taking, for their cruelties, a cruel vengeance on these deluded wretches: it was, however, his right and his duty to make war upon them, and afterwards, in moderation, to bring them to punishment for their rebellion; though in the sense of the French revolution, and of some of our clubs, they were the *people*; and were truly so, if you will call by that appellation *any majority of men told by the head*.

At a time not very remote from the same period (for these humours never have affected one of the nations without some influence on the other) happened several risings of the lower commons in England. These insurgents were certainly the majority of the inhabitants of the counties in which they resided; and Cade, Ket, and Straw, at the head of their national guards, and fomented by certain

Mr. Burke. certain traitors of high rank, did no more than exert, according to the doctrines of ours and the Parisian societies, the sovereign power inherent in the majority.

We call the time of those events a dark age. Indeed we are too indulgent to our own proficiency. The abbé John Ball understood the rights of man as well as the abbé Gregoire. That reverend patriarch of sedition, and prototype of our modern preachers, was of opinion with the national assembly, that all the evils which have fallen upon men had been caused by an ignorance of their "having been born and continued equal as to their rights." Had the populace been able to repeat that profound maxim, all would have gone perfectly well with them. No tyranny, no vexation, no oppression, no care, no sorrow could have existed in the world. This would have cured them like a charm for the toothach. But the lowest wretches, in their most ignorant state, were able at all times to talk such stuff; and yet at all times have they suffered many evils and many oppressions, both before and since the republication by the national assembly of this spell of healing potency and virtue. The enlightened Dr. Ball, when he wished to rekindle the lights and fires of his audience on this point, chose for a text the following couplet:

When Adam delved and Eve span,
Who was then the gentleman?

Of this sapient maxim, however, I do not give him
for

for the inventor. It seems to have been handed down by tradition, and had certainly become proverbial; but whether then composed, or only applied, thus much must be admitted, that in learning, sense, energy, and comprehensiveness, it is fully equal to all the modern dissertations on the equality of mankind; and it has one advantage over them, —that it is in rhyme.

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There is no doubt but that this great teacher of the rights of man decorated his discourse on this valuable text with lemmas, theorems, scholia, corollaries, and all the apparatus of science, which were furnished in as great plenty and perfection out of the dogmatic and polemic magazines, the old horse-armoury of the schoolmen among whom the rev. doctor Ball was bred, as they can be supplied from the new arsenal at Hackney. It was, no doubt, disposed with all the adjutancy of definition and division, in which (I speak it with submission) the old marshals were as able as the modern martinets. Neither can we deny that the philosophic auditory, when they had once obtained this knowledge, could never return to their former ignorance, or, after so instructive a lecture, be in the same state of mind as if they had never heard it. But these poor people, who were not to be envied for their knowledge, but pitied for their delusion, were not reasoned (that was impossible) but beaten out of their lights. With their teacher they were delivered over to the lawyers, who wrote in their blood the statutes of the land, as harshly, and in the same

Mr. Burke.

fame sort of ink, as they and their teachers had written the rights of man.

Our doctors of the day are not so fond of quoting the opinions of this ancient sage as they are of imitating his conduct; first, because it might appear that they are not as great inventors as they would be thought; and next, because, unfortunately for his fame, he was not successful. It is a remark, liable to as few exceptions as any generality can be, that they who applaud prosperous folly, and adore triumphant guilt, have never been known to succour, or even to pity, human weakness or offence when they become subject to human vicissitude, and meet with punishment instead of obtaining power. Abating for their want of sensibility to the sufferings of their associates, they are not so much in the wrong; for madness and wickedness are things foul and deformed in themselves, and stand in need of all the coverings and trappings of fortune to recommend them to the multitude. Nothing can be more loathsome in their naked nature.

Aberrations like these, whether ancient or modern, unsuccessful or prosperous, are things of passage. They furnish no argument for supposing *a multitude told by the head to be the people.* Such a multitude can have no sort of title to alter the seat of power in the society, in which it ever ought to be the obedient, and not the ruling or presiding part. What power may belong to the whole mass, in which mass the natural *aristocracy*, or what

what by convention is appointed to represent and strengthen it, acts in its proper place, with its proper weight, and without being subjected to violence, is a deeper question. But in that case, and with that concurrence, I should have much doubt whether any rash or desperate changes in the state, such as we have seen in France, could ever be effected.

Mr. Burke.

I have said, that in all political questions the consequences of any assumed rights are of great moment in deciding upon their validity. In this point of view, let us a little scrutinise the effects of a right in the mere majority of the inhabitants of any country of superseding and altering their government *at pleasure*.

The sum total of every people is composed of its units. Every individual must have a right to originate what afterwards is to become the act of the majority. Whatever he may lawfully originate, he may lawfully endeavour to accomplish. He has a right therefore in his own particular to break the ties and engagement which bind him to the country in which he lives; and he has a right to make as many converts to his opinions, and to obtain as many associates in his designs, as he can procure: for how can you know the dispositions of the majority to destroy their government, but by tampering with some part of the body? You must begin by a secret conspiracy, that you may end with a national confederation. The mere pleasure of the beginner must be the sole guide; since the mere pleasure of others must be the sole ultimate sanction,

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sanction, as well as the sole actuating principle in every part of the progress. Thus arbitrary will (the last corruption of ruling power), step by step, poisons the heart of every citizen. If the undertaker fails, he has the misfortune of a rebel, but not the guilt. By such doctrines, all love to our country, all pious veneration and attachment to its laws and customs, are obliterated from our minds; and nothing can result from this opinion, when grown into a principle, and animated by discontent, ambition, or enthusiasm, but a series of conspiracies and seditions, sometimes ruinous to their authors, always noxious to the state. No sense of duty can prevent any man from being a leader or a follower in such enterprises. Nothing restrains the tempter; nothing guards the tempted. Nor is the new state, fabricated by such arts, safer than the old. What can prevent the mere will of any person, who hopes to unite the wills of others to his own, from an attempt wholly to overturn it? It wants nothing but a disposition to trouble the established order, to give a title to the enterprise.

When you combine this principle of the right to change a fixed and tolerable constitution of things at pleasure, with the theory and practice of the French assembly, the political, civil, and moral irregularity are if possible aggravated. The assembly have found another road, and a far more commodious, to the destruction of an old government, and the legitimate formation of a new one, than through the previous will of the majority of what they

they call the people. Get, say they, the possession of power by any means you can into your hands; and then a subsequent consent (what they call an *address of adhesion*) makes your authority as much the act of the people as if they had conferred upon you originally that kind and degree of power, which, without their permission, you had seized upon. This is to give a direct sanction to fraud, hypocrisy, perjury, and the breach of the most sacred trusts that can exist between man and man. What can sound with such horrid discordance in the moral ear, as this position, That a delegate with limited powers may break his sworn engagements to his constituent, assume an authority never committed to him, to alter all things at his pleasure; and then, if he can persuade a large number of men to flatter him in the power he has usurped, that he is absolved in his own conscience, and ought to stand acquitted in the eyes of mankind? On this scheme, the maker of the experiment must begin with a determined perjury. That point is certain. He must take his chance for the expiatory addresses. This is to make the success of villany the standard of innocence.

Without drawing on, therefore, very shocking consequences, neither by previous consent, nor by subsequent ratification of a *mere reckoned majority*, can any set of men attempt to dissolve the state at their pleasure. To apply this to our present subject. When the several orders, in their several

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Mr. Burke. bailliages, had met in the year 1789, such of them, I mean, as had met peaceably and constitutionally, to choose and to instruct their representatives, so organized, and so acting (because they were organized and were acting according to the conventions which made them a people), they were the *people* of France. They had a legal and a natural capacity to be considered as that people. But observe, whilst they were in this state, that is, whilst they were a people, in no one of their instructions did they charge or even hint at any of those things, which have drawn upon the usurping assembly, and their adherents, the detestation of the rational and thinking part of mankind. I will venture to affirm, without the least apprehension of being contradicted by any person who knows the then state of France, that if any one of the changes were proposed, which form the fundamental parts of their revolution, and compose its most distinguishing acts, it would not have had one vote in twenty thousand in any order. Their instructions purported the direct contrary to all those famous proceedings which are defended as the acts of the people. Had such proceedings been expected, the great probability is, that the people would then have risen, as to a man, to prevent them. The whole organization of the assembly was altered, the whole frame of the kingdom was changed, before these things could be done. It is long to tell, by what evil arts of the conspirators, and

and by what extreme weakness and want of steadiness in the lawful government, this equal usurpation on the rights of the prince and people, having first cheated, and then offered violence to both, has been able to triumph, and to employ with success the forged signature of an imprisoned sovereign, and the spurious voice of dictated addresses, to a subsequent ratification of things that had never received any previous sanction, general or particular, expressed or implied, from the nation (in whatever sense that word is taken), or from any part of it.

Mr. Burke,

After the weighty and respectable part of the people had been murdered, or driven by the menaces of murder from their houses, or were dispersed in exile into every country in Europe; after the soldiery had been debauched from their officers; after property had lost its weight and consideration, along with its security; after voluntary clubs and associations of factious and unprincipled men were substituted in the place of all the legal corporations of the kingdom arbitrarily dissolved; after freedom had been banished from those popular meetings, whose sole recommendation is freedom;—after it had come to that pass, that no dissent dared to appear in any of them, but at the certain price of life; after even dissent had been anticipated, and assassination became as quick as suspicion; such pretended ratification by addresses could be no act of what any lover of the people would choose to call by their name. It is that voice which every successful usur-

Mr. Burke.

pation, as well as this before us, may easily procure, even without making (as these tyrants have made) donatives from the spoil of one part of the citizens to corrupt the other.

The pretended *rights of man*, which have made this havoc, cannot be the rights of the people: for to be a people, and to have these rights, are things incompatible. The one supposes the presence, the other the absence of a state of civil society. The very foundation of the French commonwealth is false and self-destructive; nor can its principles be adopted in any country, without the certainty of bringing it to the very same condition in which France is found. Attempts are made to introduce them into every nation in Europe. This nation, as possessing the greatest influence, they wish most to corrupt, as by that means they are assured the contagion must become general. I hope, therefore, I shall be excused, if I endeavour to shew, as shortly as the matter will admit, the danger of giving to them, either avowedly or tacitly, the smallest countenance.

There are times and circumstances, in which not to speak out is at least to connive. Many think it enough for them, that the principles propagated by these clubs and societies, enemies to their country and its constitution, are not owned by the *modern whigs in parliament*, who are so warm in condemnation of Mr. Burke and his book, and of course of all the principles of the ancient constitutional whigs of this kingdom. Certainly they

they are not owned. But are they condemned with Mr. Burke.
 the same zeal as Mr. Burke and his book are con-
 demned? Are they condemned at all? Are they
 rejected or discountenanced in any way whatsoever?
 Is any man who would fairly examine into the de-
 meanour and principles of those societies, and that
 too very moderately, and in the way rather of ad-
 monition than of punishment, is such a man even
 decently treated? Is he not reproached, as if, in
 condemning such principles, he had belied the con-
 duct of his whole life, suggesting that his life had
 been governed by principles similar to those which
 he now reprobates? The French system is in the
 mean time, by many active agents out of doors,
 rapturously praised; the British constitution is
 coldly tolerated. But these constitutions are dif-
 ferent, both in the foundation and in the whole
 superstructure; and it is plain, that you cannot
 build up the one but on the ruins of the other.
 After all, if the French be a superior system of
 liberty, why should we not adopt it? To what
 end are our praises? Is excellence held out to us
 only that we should not copy after it? And what
 is there in the manners of the people, or in the
 climate of France, which renders that species of
 republic fitted for them, and unsuitable to us?
 A strong and marked difference between the two
 nations ought to be shewn, before we can admit a
 constant affected panegyric, a standing annual
 commemoration, to be without any tendency to
 an example.

Mr. Burke.

But the leaders of party will not go the length of the doctrines taught by the seditious clubs. I am sure they do not mean to do so. God forbid! Perhaps even those who are directly carrying on the work of this pernicious foreign faction, do not all of them intend to produce all the mischiefs which must inevitably follow from their having any success in their proceedings. As to leaders in parties, nothing is more common than to see them blindly led. The world is governed by go-betweens. These go-betweens influence the persons with whom they carry on the intercourse, by stating their own sense to each of them as the sense of the other; and thus they reciprocally master both sides. It is first buzzed about the ears of leaders, “that
“their friends without doors are very eager for
“some measure, or very warm about some opi-
“nion—that you must not be too rigid with them.
“They are useful persons, and zealous in the
“cause. They may be a little wrong; but the
“spirit of liberty must not be damped; and by
“the influence you obtain from some degree of
“concurrence with them at present, you may be
“enabled to set them right hereafter.”

Thus the leaders are at first drawn to a connivance with sentiments and proceedings, often totally different from their serious and deliberate notions. But their acquiescence answers every purpose.

With no better than such powers, the go-betweens assume a new representative character.
What

What at best was but an acquiescence, is magnified into an authority, and thence into a desire on the part of the leaders; and it is carried down as such to the subordinate members of parties. By this artifice they in their turn are led into measures which at first, perhaps, few of them wished at all, or at least did not desire vehemently or systematically.

There is in all parties, between the principal leaders in parliament, and the lowest followers out of doors, a middle sort of men; a sort of equestrian order, who, by the spirit of that middle situation, are the fittest for preventing things from running to excess. But indecision, though a vice of a totally different character, is the natural accomplice of violence. The irresolution and timidity of those who compose this middle order, often prevent the effect of their controuling situation. The fear of differing with the authority of leaders on the one hand, and of contradicting the desires of the multitude on the other, induces them to give a careless and passive assent to measures in which they never were consulted: and thus things proceed, by a sort of activity of inertness, until whole bodies, leaders, middle men, and followers, are all hurried, with every appearance, and with many of the effects, of unanimity, into schemes of politics, in the substance of which no two of them were ever fully agreed, and the origin and authors of which, in this circular mode of communication, none of them find it possible to trace. In my experience I have seen
much

Mr. Burke. much of this in affairs, which, though trifling in comparison to the present, were yet of some importance to parties; and I have known them suffer by it. The sober part give their sanction, at first through inattention and levity; at last they give it through necessity. A violent spirit is raised, which the presiding minds, after a time, find it impracticable to stop at their pleasure, to controul, to regulate, or even to direct.

This shews, in my opinion, how very quick and awakened all men ought to be, who are looked up to by the public, and who deserve that confidence, to prevent a surprise on their opinions, when dogmas are spread, and projects pursued, by which the foundations of society may be affected. Before they listen even to moderate alterations in the government of their country, they ought to take care that principles are not propagated for that purpose, which are too big for their object. Doctrines limited in their present application, and wide in their general principles, are never meant to be confined to what they at first pretend. If I were to form a prognostic of the effect of the present machinations on the people, from their sense of any grievance they suffer under this constitution, my mind would be at ease. But there is a wide difference between the multitude, when they act against their government from a sense of grievance, or from zeal for some opinions. When men are thoroughly possessed with that zeal, it is difficult to calculate its force. It is certain, that its power is by no means in exact proportion

proportion to its reasonableness. It must always have been discoverable by persons of reflection, but it is now obvious to the world, that a theory concerning government may become as much a cause of fanaticism as a *dogma* in religion. There is a boundary to men's passions when they act from feeling; none when they are under the influence of imagination. Remove a grievance, and, when men act from feeling, you go a great way towards quieting a commotion. But the good or bad conduct of a government, the protection men have enjoyed, or the oppression they have suffered under it, are of no sort of moment, when a faction proceeding upon speculative grounds is thoroughly heated against its form. When a man is, from system, furious against monarchy or episcopacy, the good conduct of the monarch or the bishop has no other effect than further to irritate the adversary. He is provoked at it, as furnishing a plea for preserving the thing which he wishes to destroy. His mind will be heated as much by the sight of a sceptre, a mace, or a verge, as if he had been daily bruised and wounded by these symbols of authority. Mere spectacles, mere names, will become sufficient causes to stimulate the people to war and tumult.

Mr. Burke.

Some gentlemen are not terrified by the facility with which government has been overturned in France. The people of France, they say, had nothing to lose in the destruction of a bad constitution; but though not the best possible, we have still a good stake in ours, which will hinder us from desperate

Mr. Burke.

desperate risks. Is this any security at all against those who seem to persuade themselves, and who labour to persuade others, that our constitution is an usurpation in its origin, unwise in its contrivance, mischievous in its effects, contrary to the rights of man, and in all its parts a perfect nuisance? What motive has any rational man, who thinks in that manner, to spill his blood, or even to risk a shilling of his fortune, or to waste a moment of his leisure, to preserve it? If he has any duty relative to it, his duty is to destroy it. A constitution on sufferance is a constitution condemned. Sentence is already passed upon it. The execution is only delayed. On the principles of these gentlemen, it neither has nor ought to have any security. So far as regards them, it is left naked, without friends, partisans, assertors or protectors.

Let us examine into the value of this security upon the principles of those who are more sober; of those who think, indeed, the French constitution better, or at least as good as the British, without going to all the lengths of the warmer politicians in reprobating their own. Their security amounts in reality to nothing more than this—that the difference between their republican system and the British limited monarchy is not worth a civil war. This opinion, I admit, will prevent people not very enterprising in their nature, from an active undertaking against the British constitution. But it is the poorest defensive principle that ever was infused into the mind of man against the attempts
of

of those who will enterprize. It will tend totally to remove from their minds that very terror of a civil war, which is held out as our sole security. They who think so well of the French constitution, certainly will not be the persons to carry on a war to prevent their obtaining a great benefit, or at worst a fair exchange. They will not go to battle in favour of a cause in which their defeat might be more advantageous to the public than their victory. They must at least tacitly abet those who endeavour to make converts to a sound opinion; they must discountenance those who would oppose its propagation. In proportion as by these means the enterprising party is strengthened, the dread of a struggle is lessened. See what an encouragement this is to the enemies of the constitution! A few assassinations, and a very great destruction of property, we know they consider as no real obstacles in the way of a grand political change. And they will hope, that here, if anti-monarchical opinions gain ground, as they have done in France, they may, as in France, accomplish a revolution without a war.

They who think so well of the French constitution, cannot be seriously alarmed by any progress made by its partisans. Provisions for security are not to be received from those who think that there is no danger.—No; there is no plan of security to be listened to but from those who entertain the same fears with ourselves; from those who think that the thing to be secured is a great blessing; and the thing against which we would secure it a great mischief.

Mr. Burke.

Mr. Burke.

mischief. Every person of a different opinion must be careless about security.

“ But the leaders of the factious societies,” it is said, “ are too wild to succeed in this their undertaking.” I hope so. But supposing them wild and absurd, is there no danger but from wise and reflecting men? Perhaps the greatest mischiefs that have happened in the world, have happened from persons as wild as those we think the wildest. In truth, they are the fittest beginners of all great changes. Why encourage men in a mischievous proceeding, because their absurdity may disappoint their malice? “ But noticing them may give them consequence.” Certainly. But they are noticed; and they are noticed, not with reproof, but with that kind of countenance which is given by an *apparent* concurrence (not a *real* one, I am convinced) of a great party, in the praises of the object which they hold out to imitation.

But I hear a language still more extraordinary, and indeed of such a nature as must suppose, or leave, us at their mercy. It is this—“ You know their promptitude in writing, and their diligence in caballing; to write, speak, or act against them, will only stimulate them to new efforts.”—This way of considering the principle of their conduct pays but a poor compliment to these gentlemen. They pretend that their doctrines are infinitely beneficial to mankind; but it seems they would keep them to themselves, if they were not greatly provoked. They are benevolent from spite.

Their

Their oracles are like those of *Proteus* (whom some people think they resemble in many particulars), who never would give his responses unless you used him as ill as possible. These cats, it seems, would not give out their electrical light without having their backs well rubbed. But this is not to do them perfect justice. They are sufficiently communicative. Had they been quiet, the propriety of any agitation of topics on the origin and primary rights of government, in opposition to their private sentiments, might possibly be doubted. But, as it is notorious, that they were proceeding as fast, and as far, as time and circumstances would admit, both in their discussions and cabals—as it is not to be denied, that they had opened a correspondence with a foreign faction, the most wicked the world ever saw, and established anniversaries to commemorate the most monstrous, cruel, and perfidious of all the proceedings of that faction—the question is, whether their conduct was to be regarded in silence, lest our interference should render them outrageous? Then let them deal as they please with the constitution. Let the lady be passive, lest the ravisher should be driven to force. Resistance will only increase his desires. Yes, truly, if the resistance be feigned and feeble. But they who are wedded to the constitution will not act the part of wittols. They will drive such seducers from the house on the first appearance of their love-letters, and offered assignations. But if the author of the *Reflections*, though a vigilant, was not a

Mr. Burke. discreet guardian of the constitution, let them who have the same regard to it, shew themselves as vigilant and more skilful in repelling the attacks of seduction or violence. Their freedom from jealousy is equivocal, and may arise as well from indifference to the object, as from confidence in her virtue.

On their principle, it is the resistance, and not the assault, which produces the danger. I admit, indeed, that, if we estimated the danger by the value of the writings, it would be little worthy of our attention : contemptible these writings are in every sense. But they are not the cause ; they are the disgusting symptoms of a frightful distemper. They are not otherwise of consequence than as they shew the evil habit of the bodies from whence they come. In that light the meanest of them is a serious thing. If however I should under-rate them ; and if the truth is, that they are not the result, but the cause of the disorders I speak of, surely those who circulate operative poisons, and give, to whatever force they have by their nature, the further operation of their authority and adoption, are to be censured, watched, and, if possible, repressed.

At what distance the direct danger from such factions may be, it is not easy to fix. An adaptation of circumstances to designs and principles is necessary. But these cannot be wanting for any long time, in the ordinary course of sublunary affairs. Great discontents frequently arise in the best constituted governments, from causes which no human wisdom can foresee, and no human power can prevent.

vent. They occur at uncertain periods, but at periods which are not commonly far asunder. Governments of all kinds are administered only by men; and great mistakes, tending to inflame these discontents, may concur. The indecision of those who happen to rule at the critical time, their supine neglect, or their precipitate and ill-judged attention, may aggravate the public misfortunes. In such a state of things, the principles, now only sown, will shoot out and vegetate in full luxuriance. In such circumstances the minds of the people become sore and ulcerated. They are put out of humour with all public men, and all public parties; they are fatigued with their dissensions; they are irritated at their coalitions; they are made easily to believe (what much pains are taken to make them believe) that all oppositions are factious, and all courtiers base and servile. From their disgust at men, they are soon led to quarrel with their frame of government, which they presume gives nourishment to the vices, real or supposed, of those who administer in it. Mistaking malignity for sagacity, they are soon led to cast off all hope from a good administration of affairs, and come to think that all reformation depends, not on a change of actors, but upon an alteration in the machinery. Then will be felt the full effect of encouraging doctrines which tend to make the citizens despise their constitution. Then will be felt the plenitude of the mischief of teaching the people to believe, that all ancient institutions are the result of ignorance; and that all

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Mr. Burke. prescriptive government is in its nature usurpation. Then will be felt, in all its energy, the danger of encouraging a spirit of litigation in persons of that immature and imperfect state of knowledge which serves to render them susceptible of doubts, but incapable of their solution. Then will be felt, in all its aggravation, the pernicious consequence of destroying all docility in the minds of those who are not formed for finding their own way in the labyrinths of political theory, and are made to reject the clue, and to disdain the guide. Then will be felt, and too late will be acknowledged, the ruin which follows the disjoining of religion from the state; the separation of morality from policy; and the giving conscience no concern and no coactive or coercive force in the most material of all the social ties, the principle of our obligations to government.

I know too, that besides this vain, contradictory, and self-destructive security, which some men derive from the habitual attachment of the people to this constitution, whilst they suffer it with a sort of sportive acquiescence to be brought into contempt before their faces, they have other grounds for removing all apprehension from their minds. They are of opinion, that there are too many men of great hereditary estates and influence in the kingdom, to suffer the establishment of the levelling system which has taken place in France. This is very true, if, in order to guide the power which now attends their property, these men possess the wisdom

wisdom which is involved in early fear. But if, Mr. Burke.
 through a supine security, to which such fortunes
 are peculiarly liable, they neglect the use of their
 influence in the season of their power, on the first
 derangement of society, the nerves of their strength
 will be cut. Their estates, instead of being the
 means of their security, will become the very
 causes of their danger. Instead of bestowing in-
 fluence, they will excite rapacity. They will be
 looked to as a prey.

Such will be the impotent condition of those men
 of great hereditary estates, who indeed dislike the
 designs that are carried on, but whose dislike is
 rather that of spectators, than of parties that may
 be concerned in the catastrophe of the piece. But
 riches do not in all cases secure even an inert and
 passive resistance. There are always, in that de-
 scription, men whose fortunes, when their minds
 are once vitiated by passion or by evil principle,
 are by no means a security from their actually
 taking their part against the public tranquillity.
 We see to what low and despicable passions of all
 kinds many men in that class are ready to sacrifice
 the patrimonial estates, which might be perpetuated
 in their families with splendour, and with the fame
 of hereditary benefactors to mankind from gene-
 ration to generation. Do we not see how lightly
 people treat their fortunes when under the influence
 of the passion of gaming? The game of ambition
 or resentment will be played by many of the rich
 and great, as desperately, and with as much blind-

Mr. Burke. ness to the consequences, as any other game. Was he a man of no rank or fortune, who first set on foot the disturbances which have ruined France? Passion blinded him to the consequences, so far as they concerned himself; and as to the consequences with regard to others, they were no part of his consideration; nor ever will be with those who bear any resemblance to that virtuous patriot and lover of the rights of man.

There is also a time of insecurity, when interests of all sorts become objects of speculation. Then it is, that their very attachment to wealth and importance will induce several persons of opulence to list themselves, and even to take a lead with the party which they think most likely to prevail, in order to obtain to themselves consideration in some new order or disorder of things. They may be led to act in this manner, that they may secure some portion of their own property; and perhaps to become partakers of the spoil of their own order. Those who speculate on change, always make a great number among people of rank and fortune, as well as amongst the low and the indigent.

What security against all this?—All human securities are liable to uncertainty. But if any thing bids fair for the prevention of so great a calamity, it must consist in the use of the ordinary means of just influence in society, whilst those means continue unimpaired. The public judgment ought to receive a proper direction. All weighty men may have their share in so good a work. As yet, notwithstanding

withstanding the strutting and lying independence of a braggart philosophy, nature maintains her rights, and great names have great prevalence. Two such men as Mr. Pitt and Mr. Fox, adding to their authority in a point in which they concur, even by their disunion in every thing else, might frown these wicked opinions out of the kingdom. But if the influence of either of them, or the influence of men like them, should, against their serious intentions, be otherwise perverted, they may countenance opinions which (as I have said before, and could wish over and over again to press) they may in vain attempt to controul. In their theory, these doctrines admit no limit, no qualification whatsoever. No man can say how far he will go, who joins with those who are avowedly going to the utmost extremities. What security is there for stopping short at all in these wild conceits? Why, neither more nor less than this—that the moral sentiments of some few amongst them do put some check on their savage theories. But let us take care. The moral sentiments, so nearly connected with early prejudice as to be almost one and the same thing, will assuredly not live long under a discipline, which has for its basis the destruction of all prejudices, and the making the mind proof against all dread of consequences flowing from the pretended truths that are taught by their philosophy.

In this school the moral sentiments must grow weaker and weaker every day. The more cautious

Mr. Burke.

of these teachers, in laying down their maxims, draw as much of the conclusion as suits, not with their premises, but with their policy. They trust the rest to the sagacity of their pupils. Others, and these are the most vaunted for their spirit, not only lay down the same premises, but boldly draw the conclusions to the destruction of our whole constitution in church and state. But are these conclusions truly drawn? Yes, most certainly. Their principles are wild and wicked. But let justice be done even to phrensy and villany. These teachers are perfectly systematic. No man who assumes their grounds can tolerate the British constitution in church or state. These teachers profess to scorn all mediocrity; to engage for perfection; to proceed by the simplest and shortest course. They build their politics, not on convenience but on truth; and they profess to conduct men to certain happiness by the assertion of their undoubted rights. With them there is no compromise. All other governments are usurpations, which justify and even demand resistance.

The whole scheme of our mixed constitution is to prevent any one of its principles from being carried as far as, taken by itself, and theoretically, it would go. Allow that to be the true policy of the British system, then most of the faults with which that system stands charged will appear to be, not imperfections into which it has inadvertently fallen, but excellencies which it has studiously sought. To avoid the perfections of extreme, all its several
parts

parts are so constituted, as not alone to answer their own several ends, but also each to limit and controul the others; infomuch that, take which of the principles you please, you will find its operation checked and stopped at a certain point. The whole movement stands still, rather than that any part should proceed beyond its boundary. From thence it results, that in the British constitution there is a perpetual treaty and compromise going on, sometimes openly, sometimes with less observation. To him who contemplates the British constitution, as to him who contemplates the subordinate material world, it will always be a matter of his most curious investigation, to discover the secret of this mutual limitation—

Mr. Burke.

———*Finita potestas denique cuique*

Quanam sit ratione, atque alte terminus hærens?

They who have acted, as in France they have done, upon a scheme wholly different, and who aim at the abstract and unlimited perfection of power in the popular part, can be of no service to us in any of our political arrangements. They who in their headlong career have overpassed the goal, can furnish no example to those who aim to go no further. The temerity of such speculators is no more an example than the timidity of others. The one sort scorns the right; the other fears it; both miss it. But those who by violence go beyond the barrier, are without question the most mischievous; because to go beyond it they overturn and destroy it. To say they have spirit, is to say nothing in

Mr. Burke. their praise. The untempered spirit of madness, blindness, immorality, and impiety, deserves no commendation. He that sets his house on fire because his fingers are frost-bitten, can never be a fit instructor in the method of providing our habitations with a cheerful and salutary warmth. We want no foreign examples to rekindle in us the flame of liberty. The example of our own ancestors is abundantly sufficient to maintain the spirit of freedom in its full vigour, and to qualify it in all its exertions. The example of a wise, moral, well-natured, and well-tempered spirit of freedom is that alone which can be useful to us, or in the least degree reputable or safe. Our fabric is so constituted; one part of it bears so much on the other, the parts are so made for one another, and for nothing else, that to introduce any foreign matter into it, is to destroy it.

What has been said of the Roman empire, is at least as true of the British constitution—“ *Ostingen-*
torum annorum fortuna, disciplinaque, compages hæc
coaluit; quæ convelli sine convellentium exitio non
potest.”—This British constitution has not been struck out at a heat by a set of presumptuous men, like the assembly of pettifoggers run mad in Paris—

“ ’Tis not the hasty product of a day,

“ But the well-ripen’d fruit of wise delay.”

It is the result of the thoughts of many minds, in many ages. It is no simple, no superficial thing, nor to be estimated by superficial understandings.

An

An ignorant man, who is not fool enough to meddle with his clock, is however sufficiently confident to think he can safely take to pieces, and put together at his pleasure, a moral machine of another guise, importance and complexity, composed of far other wheels, and springs, and balances, and counteracting and co-operating powers. Men little think how immorally they act in rashly meddling with what they do not understand. Their delusive good intention is no sort of excuse for their presumption. They who truly mean well must be fearful of acting ill. The British constitution may have its advantages pointed out to wise and reflecting minds; but it is of too high an order of excellence to be adapted to those which are common. It takes in too many views, it makes too many combinations, to be so much as comprehended by shallow and superficial understandings. Profound thinkers will know it in its reason and spirit. The less enquiring will recognize it in their feelings and their experience. They will thank God they have a standard, which, in the most essential point of this great concern, will put them on a par with the most wise and knowing.

Mr. Burke.

If we do not take to our aid the foregone studies of men reputed intelligent and learned, we shall be always beginners. But men must learn somewhere; and the new teachers mean no more than what they effect, as far as they succeed, that is, to deprive men of the benefit of the collected wisdom of mankind, and to make them blind disciples of their own particular

Mr. Burke.

particular presumption. Talk to these deluded creatures (all the disciples and most of the masters) who are taught to think themselves so newly fitted up and furnished, and you will find nothing in their houses but the refuse of *Knave's Acre*; nothing but the rotten stuff, worn out in the service of delusion and sedition in all ages, and which being newly furbished up, patched, and varnished, serves well enough for those who, being unacquainted with the conflict which has always been maintained between the sense and the nonsense of mankind, know nothing of the former existence, and the ancient refutation of the same follies. It is near two thousand years since it has been observed, that these devices of ambition, avarice, and turbulence, were antiquated. They are, indeed, the most ancient of all common places; common places, sometimes of good and necessary causes; more frequently of the worst, but which decide upon neither.—*Eadem semper causa, libido, et avaritia, et mutandarum rerum amor.—Ceterum libertas et speciosa nomina pretextuntur; nec quisquam alienum servitium, et dominationem sibi concupivit, ut non eadem ista vocabula usurparet.*

Rational and experienced men tolerably well know, and have always known, how to distinguish between true and false liberty; and between the genuine adherence and the false pretence to what is true. But none, except those who are profoundly studied, can comprehend the elaborate contrivance of a fabric fitted to unite private and public liberty with public force, with order, with peace, with

with justice, and, above all, with the institutions Mr. Burke.
 formed for bestowing permanence and stability
 through ages upon this invaluable whole.

Place, for instance, before your eyes such a man as Montesquieu. Think of a genius not born in every country, or every time; a man gifted by nature with a penetrating aquiline eye; with a judgment prepared with the most extensive erudition; with an herculean robustness of mind, and nerves not to be broken with labour; a man who could spend twenty years in one pursuit. Think of a man, like the universal patriarch in Milton (who had drawn up before him, in his prophetic vision, the whole series of the generations which were to issue from his loins), a man capable of placing in review, after having brought together, from the east, the west, the north, and the south, from the coarseness of the rudest barbarism to the most refined and subtle civilization, all the schemes of government which had ever prevailed amongst mankind, weighing, measuring, collating, and comparing them all, joining fact with theory, and calling into council, upon all this infinite assemblage of things, all the speculations which have fatigued the understandings of profound reasoners in all times!—Let us then consider, that all these were but so many preparatory steps to qualify a man, and such a man tinctured with no national prejudice, with no domestic affection, to admire, and to hold out to the admiration of mankind the constitution of England! And shall we Englishmen revoke to such a suit?

Shall

Mr. Burke. Shall we, when so much more than he has produced remains still to be understood and admired, instead of keeping ourselves in the schools of real science, choose for our teachers men incapable of being taught, whose only claim to know is, that they have never doubted; from whom we can learn nothing but their own indocility; who would teach us to scorn what in the silence of our hearts we ought to adore?

Different from them are all the great critics. They have taught us one essential rule. I think the excellent and philosophic artist, a true judge as well as a perfect follower of nature, sir Joshua Reynolds, has somewhere applied it, or something like it, in his own profession. It is this: That if ever we should find ourselves disposed not to admire those writers or artists, Livy and Virgil for instance, Raphael or Michael Angelo, whom all the learned had admired, not to follow our own fancies, but to study them until we know how and what we ought to admire; and if we cannot arrive at this combination of admiration with knowledge, rather to believe that we are dull, than that the rest of the world has been imposed on. It is as good a rule, at least, with regard to this admired constitution. We ought to understand it according to our measure; and to venerate where we are not able presently to comprehend.

Such admirers were our fathers, to whom we owe this splendid inheritance. Let us improve it with zeal, but with fear. Let us follow our ancestors, men
not

not without a rational, though without an exclusive confidence in themselves ; who, by respecting the reason of others, who, by looking backward as well as forward, by the modesty as well as by the energy of their minds, went on, insensibly drawing this constitution nearer and nearer to its perfection, by never departing from its fundamental principles, nor introducing any amendment which had not a subsisting root in the laws, constitution, and usages of the kingdom. Let those who have the trust of political or of natural authority ever keep watch against the desperate enterprises of innovation ; let even their benevolence be fortified and armed. They have before their eyes the example of a monarch, insulted, degraded, confined, deposed ; his family dispersed, scattered, imprisoned ; his wife insulted to his face, like the vilest of the sex, by the vilest of all populace ; himself three times dragged by these wretches in an infamous triumph ; his children torn from him, in violation of the first right of nature, and given into the tuition of the most desperate and impious of the leaders of desperate and impious clubs ; his revenues dilapidated and plundered ; his magistrates murdered ; his clergy proscribed, persecuted, famished ; his nobility degraded in their rank, undone in their fortunes, fugitives in their persons ; his armies corrupted and ruined ; his whole people impoverished, disunited, dissolved ; whilst through the bars of his prison, and amidst the bayonets of his keepers, he hears the tumult of two conflicting factions, equally wicked and abandoned,

Mr. Burke. abandoned, who agree in principles, in dispositions, and in objects, but who tear each other to pieces about the most effectual means of obtaining their common end ; the one contending to preserve for a while his name and his person, the more easily to destroy the royal authority ; the other clamouring to cut off the name, the person, and the monarchy together, by one sacrilegious execution. All this accumulation of calamity, the greatest that ever fell upon one man, has fallen upon his head, because he had left his virtues unguarded by caution ; because he was not taught that where power is concerned, he who will confer benefits must take security against ingratitude.

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WHEN Mr. Thomas Paine comes to draw his comparison between the English and French constitutions, he confines himself to the following articles: *the mode of elections—the game laws*—members of the legislature holding offices of government—the right of declaring war—the destruction of titles, and of the aristocracy—the reformation of the church establishment †, and universal toleration.* But the object of this answer is to shew, that whatever of these points (some of which are

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New
Whigs, &c.

* Amongst the defects of *the constitution* one should not have expected to find the game laws, which are mere partial regulations. By what principle of justice the owner of the land, when he lets it to another, may not stipulate for any reserve he pleases, is not easy to understand. That the penalties under these laws are abominably too severe, is certain; and that they ought to be mitigated or repealed: but the principle of them seems just and fair.

† In my *Letter to Mr. Burke*, I have endeavoured to shew that the extreme inequality of the provision made for the clergy tends to degrade the clerical character; that the ecclesiastical jurisdiction is a heavy grievance uncompensated by any advantage; the test act an unjust and impolitic restraint; and tithes an unequal, unproductive, oppressive tax upon industry; that these are “the dregs of time*” upon which the ecclesiastical state has too long continued. But though I maintain, against Mr. Burke, that these are strong objects of reform, I will also maintain, against Mr. Paine, that, being attainable by constitutional modes of reform, they are no causes for destruction.

* Lord Bacon.

legislative,

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legislative, some ministerial, and but a few constitutional) are not already in our possession, and are worth contending for, may be attained by legal constitutional means, without running to the perilous experiment of radical innovation. The superiority of the English over the French constitution in the two master points, I mean the giving a limited and useful direction to the necessarily existing aristocratical force, and the placing in the crown a sufficient, effective, independent power to maintain the balance upon which the existence of the constitution depends, I have already endeavoured to prove; but before I proceed to the consideration of the rest of these articles, I have something to say upon that objection to distinctions in society, which he places at the head of his argument, drawn from the descent of land according to the common law of England.

“ The nature and character of aristocracy,” he says, “ shews itself to us in this law. It is a
“ law against every law of nature, and nature herself calls for its destruction. Establish family
“ justice, and aristocracy falls. By the aristocratical law of primogeniture^{ship}, in a family of six
“ children five are exposed. Aristocracy has never
“ more than one child. The rest are thrown to
“ the cannibal for his prey, and the natural parent
“ prepares the unnatural repast—All the children
“ which the aristocracy disowns, which are all
“ except the eldest, are in general cast like orphans on a parish—With what kind of parental
“ affection

“ affection can the father or mother contemplate
 “ their younger offspring? by marriage they are
 “ their heirs, but by aristocracy they are bastards
 “ and orphans.”——

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I have quoted this passage at some length as an extraordinary example of bold and dishonest misrepresentation. Would not any man, without previous information, infer from it, that, by the laws of England, parents are *obliged* to leave the whole of their property to their eldest, and nothing to the rest? Will not a foreigner who reads *Droits des Hommes* be surprised to learn, that notwithstanding all that is there so impudently asserted, in England every man is perfectly free to bequeath or settle his property on all his children, in any division or proportion he thinks proper, or to make any other disposition of it whatever? and that it actually is the general practice to make an ample proportionate provision for them all? A man who can thus descend to impose upon the ignorant and vulgar, for the sake of calumniating a description of persons whom he hates because he envies, is surely unworthy of all credit and regard.

Exclusive possession of property being no natural right, but an artificial right, founded on the laws of society merely; provided it is secured to the rightful claimant, there is nothing over which society has a more undoubted and original decision, than over the rights upon which the laws of possession shall be established. In Sparta, the society, desirous of maintaining a perfect demo-

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cratic equality, vested all property in the republic; and under the feudal system, the grand fiefs were unalienable. These were the two extremes; but being analogous to the institutions which were intended to be supported, admitting the principle, they were wise regulations. In the English government, where the best parts of every principle of government are so happily blended together to compose a whole, something of the spirit of each has been preserved in the regulation of property. To give some support to the aristocratical principle, on the admission of which to its due weight in the balance we think the security of our constitution depends, in cases where no previous disposition has been made, the law gives the land to the heir male, and divides the personal property, which must generally bear some considerable proportion to it, among the heirs general * ; but the exclusive rigour of the Gothic institution has been wholly softened or done away by allowing parents or possessors the full power to alienate or divide their lordships or estates as they please; and perhaps a better order of society has never existed any where than on the estate of an English gentleman, living in the midst of his tenants or yeomanry, using the income of his estate for its improvement, interested to promote the benefit of all for his advantage as well as his satisfaction, and providing for the hereditary continuance of this patriarchal

* How is it in America?

state by leaving a representative nurtured in the same habits in the midst of a rising generation. Exclusive property seems to benefit the general community by increasing the general produce: this may be exemplified by observing how little productive common lands are in proportion to those which are private property. That government under which society is carried to the greatest degree of number and perfection, and consequently the general sum of general happiness the most increased, I suspect, is thereby proved to be the best, be its form what it may.

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To return to the order of Mr. Paine's objections.

The *representation* comes next to be considered; and this has always been one of the strongest batteries of the democratisers against the actual constitution of England. "The county of York," says Mr. Paine, "which contains near a million of souls, sends two county members; so does the county of Rutland, which contains not an hundredth part of that number."

By one of the commonest of all errors in moral calculations, he mistakes the means for the end. He forgets that the object in view is to obtain a body of representatives proper and adequate to the purposes for which they are designed, and that, if this is obtained, it is of no consequence whether Thomas shall have as many square inches or cubic ounces of representation as John. The members of the house of commons are not the representatives of Rutlandshire or Yorkshire, but the

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representatives of the nation *, and a thousand freeholders in one, are just as likely to send up good men and true as twenty thousand in the other. This objection might perhaps apply to a congress of deputies from separate states, but is here of no weight at all. In theory, a more strong and specious ground of inequality than this might I think have been taken. The county members are supposed to be sent up by the landed interest, and the personal and commercial interest to be represented by the citizens and burgessees: and this is not a speculative, but a real division; for though Rutlandshire and Yorkshire can have no separate interests, the landed and monied interests may frequently come in competition with each other. The disproportion in number between the representatives of the landed and monied property, of two to one, might therefore appear an essential inequality: but the practice has shewn it to be otherwise; and no subject of complaint has been found in the predominancy of the monied interest in parliament; nay, perhaps, the superiority in numbers of the citizens and burgessees over the knights, may have fortunately operated to prevent the depression of the trading interest, by the weight of landed property: for the prejudices of what were called the country gentlemen, before the

* The representatives named by the department" (says the French constitution, table iii. chap. i. sect. ii. act vii.) "shall not be the representatives of a particular department, "but of the nation entire, nor may they receive any mandate." advantages

advantages of commerce to the value of land were so fully and so experimentally understood as they are at present, have often run high upon this point; and when we consider that the great estates are strongly represented in the house of lords, we shall be perhaps led to think that this apparent inequality, instead of being a defect, may have operated to ensure a balance essential to the progress of the nation towards its present elevation. "But," continues Thomas, "the constitution of France says, that every man who pays a tax of sixty sous (2s. 6d. English) is an elector." What will be placed against this? Till we admit the excellency of this principle of representation, I do not see that it is necessary to place any thing against it. If it is intended by this system, that all taxable property shall be represented, and that a vote for it shall be estimated at sixty sous; every man ought to have as many votes as he pays half-crowns into the treasury; as was in a degree instituted by the classes and centuries of Rome*.

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The French constitution attributes 295 repre-

* When the people voted by *assessment*, the first class, in which were included the patricians, senators, &c. contained 98 centuries; and the sixth or last class (by far the most numerous) consisting of the lower orders, contained only one century; and when 97 centuries out of 193 of which they consisted, had voted one way, the majority was declared; so that every thing was commonly decided by the higher orders, before the lower and more numerous classes were called upon to vote at all. This was wholly aristocratical, as deliberation by assessment must always be if the proportion is preserved,

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representations to the land, 249 to population, and 249 to the contribution of taxes : but how the separation can be made, is not, I think, easy to comprehend : for when the landed and monied interests are represented, the third division seems to merge in the other two. Another of Thomas's objections is to the *origin* of our representation : but this is an objection merely historical ; for we have only to oppose to this learned writer, other writers of equal authority, and the force of the objection must be taken away, or at least suspended. According to him, our system of representation owes its origin to William the Conqueror. Selden, Cambden, Rapin, Hume, trace it to our Anglo-Saxon ancestors, the *Wittena Gemot*, the *magnum concilium* or *commune concilium* ; and Montesquieu fees its origin at a still greater distance, in the government of the ancient Germans, as described by Tacitus. But Thomas's object was merely to make it odious ; and for this purpose he very aristocratically condescends to reproach it with the supposed obloquy of its birth. In contemplating the superior beauty of the French constitution, he is particularly struck with the accuracy of calculation so neatly summed up, that of the three divisions of representation, two are balanced to a fraction, and the third differs only in two aliquot parts out of 745. Little minds, as Montesquieu has observed on this very occasion, are apt to be captivated with little proportions of order. But to ascertain the worth of a principle, or the value of

an existing institution, men of practical sense will not begin by analysing their parts, or tracing their origin, but by enquiring into their effects. If they find these good, they will pronounce the causes by which they are produced, to be good also. They will not object to the salutary and delicious juices of the fruit, because it represents no regular mathematical form, or because its sap may have been raised from a dunghill.

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Having considered the objections of this writer to the *constitutional* representation, we come to his second head of objection: "That the town of Old Sarum, which contains not three houses, sends two members; and the town of Manchester, which contains upwards of 60,000 souls, is not admitted to send any." But this defect, so far from belonging to the constitution, is a mere depredation made upon it by the inevitable accidents of time. The members for Old Sarum, who now represent uninhabited walls, were formerly sent up by a flourishing town; when Manchester, which once sent up members, had become so poor as to desire to be relieved from the burthen. To remove the representation from places which time has annihilated, to the towns which have risen up in their places, is not to innovate, but to restore. But Thomas, who loves us not, and has now the success of his prophecy superadded to his former hate, would be sorry that the edifice should be repaired which he proposes to destroy: he objects therefore to a legisla-

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tive remedy, because “ a government cannot possess a right to alter itself ;” but if it may not pull down the building, it must possess the right of repair against time and accident ; and the right to preserve is neither the right to alter nor to destroy.

There is one good arising from the most abusive of these publications, that the more the question is agitated, the more the necessity will appear for taking away this reproachful disorder, with the base traffic, the *turpe commercium* it creates, emphatically called after a great authority the rotten part of the constitution. This reform may, it ought to be, nay, I think it must be speedily obtained. It cannot be brought forward under more fortunate auspices. It was the last legacy of the dying Chatham, and the virgin effort of our present minister. His honour and piety are both engaged to persevere in it to effect. And if the son’s face is not stamped with those grand and prominent features which gave such irresistible command to the countenance of the father, his powers of influence are not less efficacious. After ten years, his best friends will advise him to secure some one action of eclat against the mutability of human affairs. Though he now stands like a Colossus, with one foot on the throne, and another on the people, the caprice of fortune may have already decreed some fatal reverse. As in common life, persons who have any property to dispose of, do not wait for the warnings of mortality to
make

make their last will, the man whose name is destined to descend to posterity, will labour betimes that it shall not go down unaccompanied with some honourable addition. In the vigour of his career, he will not forget, that the day must come when all his glories will be comprised in the narrow compass of an epitaph. *Customs and excise, and three per cents.* will make but a sorry figure upon marble. **HERE LIES THE MAN WHO RESTORED THE CONSTITUTIONAL REPRESENTATION!** would be no inglorious inscription.

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At page 82, there is the following curious note:
 “ When in any country we see extraordinary cir-
 “ cumstances taking place, they naturally lead
 “ any man who has a talent for observation and
 “ investigation, to enquire into the causes. The
 “ manufacturers of Manchester, Birmingham, and
 “ Sheffield, are the principal manufacturers in
 “ England. From whence did this arise? A
 “ little observation will explain the case. The
 “ principal, and the generality of the inhabitants
 “ of those places, are not of what is called in Eng-
 “ land *the church established by law*; and they,
 “ or their fathers (for it is within but a few years),
 “ withdrew from the persecution of the chartered
 “ towns, where test-laws more particularly operate,
 “ and established a sort of asylum for themselves in
 “ those places. It was the only asylum that then
 “ offered, for the rest of Europe was worse,—But
 “ the case is now changing. France and America
 “ bid

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“ bid all comers welcome, and initiate them into
 “ all the rights of citizenship. Policy and in-
 “ terest, therefore, will, but perhaps too late, dic-
 “ tate in England what reason and justice could
 “ not. Those manufacturers are withdrawing, and
 “ are arising in other places. There is now erect-
 “ ing at Passy, three miles from Paris, a large
 “ cotton-mill, and several are already erected in
 “ America. Soon after the rejecting the bill for
 “ repealing the test-law, one of the richest manu-
 “ facturers in England said in my hearing, “ Eng-
 “ land, Sir, is not a country for a dissenter to live
 “ in—we must go to France.” These are truths,
 “ and it is doing justice to both parties to tell
 “ them. It is chiefly the dissenters who have
 “ carried English manufactures to the height they
 “ are now at, and the same men have it in their
 “ power to carry them away; and though those
 “ manufactures will afterwards continue to be
 “ made in those places, the foreign market will be
 “ lost. There are frequently appearing in the
 “ London Gazette, extracts from certain acts to
 “ prevent machines and persons, as far as they
 “ can extend to persons, from going out of the
 “ country. It appears from these, that the ill
 “ effects of the test laws and church establishment
 “ begin to be much suspected; but the remedy
 “ of force can never supply the remedy of reason.
 “ In the progress of less than a century, all the
 “ unrepresented part of England, of all denomi-
 “ nations, which is at least a hundred times the
 “ most

“ most numerous, may begin to feel the necessity
 “ of a constitution, and then all those matters will
 “ come regularly before them.”

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But, 1. It is false that these towns either were at first, or ever have been colonies of dissenters driven from the chartered towns.

2. It is not true that the generality or even majority of their inhabitants are dissenters, as has been but too fatally shewn in the late tumults at Birmingham.

3. Manufacturers have nothing to do with the test laws any where.

4. There is as large a proportion of dissenters at Leeds, Norwich, Nottingham, Leicester, Derby, &c. as in the unchartered towns, and in several of them the corporation is in the dissenting interest.

5. The erection of “ one cotton-mill in France,” and “ several in America,” brought as a sole proof that “ the manufactories are *withdrawing* from England,” is perfectly ludicrous.

6. What was said to Mr. Paine by his rich dissenter in a moment of disappointment, proves nothing but the anger of the man. He has probably thought better of it since; and if not, we may very safely allow all those who think “ England not a country to live in,” to go where they can find a better.

7. The parliament being (as is shewn elsewhere) the representatives of the whole nation, and not of any particular districts, it is absurd to say that any part of it is unrepresented; and the towns in question

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question are not only generally but particularly represented. Mr. Paine might have been easily informed, for instance, that Sir Robert Lawley is the immediate representative of Birmingham.

In the text to which this note belongs, he compares the erection of a single cotton-mill in France, and one or two in America, with the inquisition in Spain, and the revocation of the edict of Nantes in France, as an equal proof of the bad government actually existing in England.—So much for Thomas's candour and ingenuity, as well as "his talents for observation and investigation."

I have already observed, that though I think the constitution of our government the best that has hitherto been devised, the best cannot be secured against abuse and decay. Time has made a breach in the constitutional representation: and on the odium of corrupt influence, I am ready to concede to Mr. Paine all that he exposes in pointed and lively terms. But corrupt influence is not the constitution, but a disease growing out of a vicious infection in its component parts, which could not be removed by any change of structure, so long as the same infected parts must necessarily be re-employed in the conformation. If there was no venality, there could be no corruption; and no form of government that ever did or will exist, can prevent men, who esteem money more than liberty, from offering to sale whatever share of that liberty they have it in their power to dispose of. When venality has once pervaded

pervaded a nation, the greater share the people have immediately in the government, the more simple the possession of their liberties is, the greater is the facility with which they may drive their bargain: so that if it be true, as I believe, that venality is the inseparable companion of luxury, and luxury the necessary attendant upon riches and commerce, it will appear to be an extraordinary proof of the excellent contrivance of our constitution, that this rich, commercial, luxurious nation should have preserved its liberties rather increased than diminished during so long a period; for whatever cause we may have for apprehension for the future, certain it is that we do now enjoy as much civil liberty as any people have ever possessed, as much perhaps as can consist with the force necessary to preserve security and order in a state of general corruption of morals; for the power of government must be made proportionate to the crimes it has to punish or restrain. Our business is not therefore to innovate, but to preserve and restore. Our persons and properties are secure; and we have the rare felicity to live in times when, beyond any example, men may freely communicate the freest opinions—"rarâ temporum felicitate, ubi sentire quæ velis, et quæ sentias dicere licet."—Would we change with France, where, besides the necessary restrictions of the government and the laws, all men are subject to the capricious command of mobs and self-formed societies? No man of common sense, who has taken
a view

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a view of the two countries, would admit the idea for a moment. And if there is less practical liberty in France, their liberty stands also upon less secure foundations, because the people are intrusted with the immediate management of what they have never known how to conduct. If ever the popular energy by which the government in France is at present maintained, comes to subside; if ever the French people should be driven to associate the ideas of their actual and increasing miseries with the principles and practices of their new government, they may, and most probably will sell or yield up their rights and liberties to persons taking ground upon the old constitution. Those who admire the facility with which the French revolution was accomplished, should recollect, that with the same facility a counter revolution may be effected. If it be true that "for a nation to be free, it is sufficient that she wills it," it is still more true that for a nation, politically constituted as France is, to resign her freedom, it is sufficient that she wills it; for it is certainly more easy to resign rights, than to maintain them. In one day tyranny was overturned; and in one day may liberty, like another Astræa, take her flight to heaven. The constitution of France has provided no strong holds, no outworks against the temporary seduction or bribery of the people. No use has been made of that great political as well as mechanical principle, *the opposition of contending forces*, so happily employed in our admirable constitution.

In

In England every individual may indeed sell his vote, because that is what no form of government can possibly prevent; and under every possible mode of legislation, unjust or oppressive laws may be made: but neither the people for themselves, nor the branches of which the government consists, can alienate any of their general rights, or the respective powers entrusted with each for the general good, without the formal consent of the three in the first instance, and an ultimate appeal to the people. Each may dissipate or misapply their income; but none can, without the consent of all parties, dispose of any part of the estate: the people may prostitute their voices at an election; parliaments may be bribed or seduced to support foolish measures, or bad men; and the crown may apply its influence for the same or other bad purposes; but the powers of resumption and repeal remain unimpaired to be exercised under better men and in better times. By the admirable mechanism of our constitution, not resting too much upon the honesty of the governors, or the energy of the people, it is made the permanent interest of every branch to maintain their respective powers, and to prevent each other from passing the bounds prescribed to them. The rights of the people, which are held in trust by the three branches of the legislature, may be ill administered, but they cannot be resigned: the powers committed to each not only infer duties which they are morally obliged to execute, but, so long as it remains impossible

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possible for one of the branches of the legislature to elevate itself to any dangerous pre-eminency without abridging the powers of the other two, and so long as the consent of all the three is necessary to any alteration in the disposition of these powers, so long must it be the immediate interest of all to preserve that balance which is the best security for the preservation of the civil rights we enjoy. Thus, however the morals of the nation may have been debased, the constitution has hitherto received but little injury from a system of corruption which has long notoriously prevailed. Our liberties fortunately rest on deeper foundations than the cotemporary wisdom or virtue of our governors, or even of the nation itself. The forms of our constitution have effected that perfection of political contrivance, to unite the duties and interests of the bodies of which it is composed in one common point: as individuals, they may be bribed or seduced to support this man or that measure; but as bodies, they have neither the power nor can have the inclination to surrender the constitution.

Mr. Paine considers it a very great superiority in the French government, that the ministers are not admitted to a seat in the national assembly; but the excellency of this privation is, I think, by no means so clear. To be sure, according to theory, the executive and legislative powers should be separately and distinctly administered; but I think this principle does not reach to the incapacitating the same individuals from acting in both; and in
practice

practice it is difficult to suppose, that any wise system can be attained by the unpremeditated deliberations of such a meeting as the national assembly. I am rather inclined to think, that so long as the measures of the executive government are fairly brought forward to parliamentary discussion, it is advantageous that the ministry should belong to parliament; it tends to give their measures additional weight on one hand, and a more early and immediate responsibility on the other. One thing at least I am sure of, that neither the actual conduct of the government in France, nor the arguments of Mr. Paine will induce any reasonable man to wish for an essential change in the mode of administering the executive powers in England, were such a change practicable. I am not here speaking of the exclusion of mere placemen and pensioners; a constitutional restriction ever to be wished for, but which would be much better effected by taking away the useless places and pensions themselves.

After attacking all laws and establishments, and consequently all morality, under the pretence of securing liberty of action, our author would destroy all religion to secure liberty of conscience. Disapproving the establishment of one religion, and the toleration of others, he contends there should be no established religion. This man, who founds the most extravagant political doctrines on the first chapter of Genesis, and the genealogy of Jesus

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Christ, pages 48, 49; declares, pages 79, 80, for pure deism. He cites, in example, “the worship
“of a Jew or a Turk;” and says, “with respect to
“religion itself, without regard to names, and as
“directing itself from the universal family of man-
“kind to the divine object of all adoration, it is
“man bringing to his Maker the fruits of his heart;
“and though these fruits may differ from each
“other like the fruits of the earth, the grateful
“tribute is accepted.” But to consider this sacred
subject merely in a political point of view, either
there is one true religion, and all the rest are false, or
else there is no true religion at all. Now, as religion
is not presented at once to the choice of men in
full powers of their understanding, but impressed
upon the tender minds of youth in early education;
admitting that there is a true religion, it becomes
the duty of the government to provide that no
other shall be inculcated in the public establish-
ments of education, or preached to the people in
the established places of public worship. The re-
ligion thus taught and authorised is the religion of
the state: but considering the extreme fallacy of
human reason, as men may be mistaken, even
where their belief is founded on the strongest evi-
dence; though government will not authorise or
support, they will tolerate all the rest, as far as is
consistent with the protection they owe to that
which they believe alone to be true. Such has
been hitherto the proceeding of the best and wisest
people

people under the former of these two suppositions, that there is a true religion; and this proceeding does indeed seem perfectly consequent and just.

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If, on the contrary, we are to suppose for a moment with Thomas Paine, that religion consists in nothing more than “a grateful tribute of devotion from man to his Maker,” “for which God has entered into a contract with man from the beginning of time* ;” and that it is as indifferent to God in what mode this tribute is paid, “as it is to a bishop, whether he receives his tithe in a sheaf of wheat, or a cock of hay † ;” the case is entirely changed. If all religions are indifferent in the sight of God, they are far from being indifferent in their operation upon the actions of men. When it is therefore once established that they are indifferent in the sight of God, they that instant become an immediate object of human consideration. The legislator has a right to avail himself of this mighty engine for the better government of mankind, in aid of morality and the laws. The religion of the state is one of the most forcible and efficacious institutions of government. A few speculative men, relying too much upon the fallacy of reason, may have become atheists or materialists; but to attempt to root out all religion from among the people is equally wicked and vain. The belief in a future state of existence, where virtue will be finally rewarded, and vice punished, offers en-

* Note, p. 121.

† P. 80.

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couragement and consolation to the good, and restraint to the bad, far beyond the reach of human laws ; and this belief having (as I am about to shew) its natural causes in the human mind, the destruction of a rational established religion leads men back through licentiousness to gross superstition, as the destruction of legal government does through anarchy to despotism.

All religions, except the true religion revealed from heaven, do not, as our author says, “ begin “ by persuasion, and exhortation, and example,” but have their origin in our ignorance of the laws of nature, and the imperfection of our organs of sensation. Religion, in the most general sense, may be defined to be *a rule of action founded upon the belief of supernatural agency* ; and this belief has been inherent in mankind in all ages of the world. Men limit the laws of nature to their own very confined experience : with the ignorant, whatever is extraordinary is supernatural ; whatever happens out of the common course is attributed to the power of some invisible agent, because it is easier to suppose the operation of animal bodily force, with the powers of which we are acquainted, than chemical or other natural powers of which we have had no experience. And as among these extraordinary incidents some will be beneficial and some hurtful to men, they will endeavour to conciliate the favour, or deprecate the malice of these powers, by such gifts and supplications as would be most acceptable to themselves. This seems to be

be the natural history of sacrifice and prayer. Nor is this all; the senses are really deceived as well as the imagination. We learn to judge of shape and magnitude, and the rest of the accidents of figure, by repeatedly comparing the impression made upon the sight with the impression made upon the touch by the same object: whenever the criterion by which our judgment upon these circumstances has been used to be guided is either absent or imperfect, the judgment will be false or imperfect also. If we suppose an object placed near to the eye to be at a distance, the idea of the object will be magnified exactly in proportion to the mistake: a cat may acquire the dimensions of an elephant, and a horse assume a gigantic form. In dense or obscure *media*, as the dusk of the evening or a fog, things will appear in extraordinary and unknown forms; and miraculous *appearances*, or *visions*, will be added to miraculous *events*. Such seems to have been the origin and foundation of all the fictitious religions of the world. How the priests have in all ages availed themselves of these natural propensities of the human mind more or less to enslave mankind, it is not here our object to enquire. It is sufficient to have proved, that as men must have a religion, they ought to have the best religion possible *.

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When we are told that our government has its

* Men do not seem less prone to superstition in this enlightened age than formerly. *Swedenbergers*, *Animal-magnetisers*, *Unitarians*, &c. are the produce of our own days.

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defects and imperfections, we answer, Certainly, for it is the work of man; and were a synod of angels to form a constitution, it would still be imperfect as long as the administration of it must be committed to variable and very imperfect creatures. But if the English government is not perfect, its comparative excellence is clearly shewn by the rank the country holds among the nations, far beyond its extent or natural resources; for this pre-eminence incontestably proves the existence of all those advantages which government is intended to promote. Commerce and arts and industry and riches and population are invariable signs of good government; and the nations where these flourish are the true and only schools of sound legislation. If this profound doctor, who deigns to cast a philosophic eye over the distempers of our state, had taught us to remove the abuse without endangering the institution, we should have owed him much obligation; but he “casts the water of the land,” and neither marks the disease, nor indicates the cure: and as to his violent and experimental specifics and panaceas, we will “throw such physic to the dogs.”

Desperate and deplorable indeed is the state of those countries where reformation must be preceded by demolition. An exchange of evils for the present, and a doubtful prospect of future good, may be the only sad alternative of the tyrannies of Europe: but our mild and equal government presents us with the free, secure, and peaceful

peaceful enjoyment of actual good, and the safe and easy means of reforming in due season and without violence all the defects and inconveniencies for which no prudent opportunity was given to the wise caution of our ancestors. To these objects, and to a jealous and suspicious watchfulness of the administration of government, real patriots will direct the attention and excite the vigilance of the people. All reformation really desired and firmly demanded by the nation must ever assuredly be complied with; and it is not to be expected that reformation will be officiously offered by those who are benefited by the continuance of the evil. The voice of the nation is the constitutional controul of parliament, and the constitutional check of the most daring administration. When fully and clearly pronounced, it never did, it never can fail to operate to full effect. In such a state of things therefore silence is acquiescence, and acquiescence is tacit approbation.

The proposal which our dear Thomas has reserved for us, as his last best gift, is *to render the government insolvent for the purpose of taking it into our own hands*; and he shews us, from the example of France, how easily this may be accomplished. “If any credit is given,” he says, “it is to the disposition of the people to pay the tax, and not to the government which lays it on; when this disposition expires, what is supposed to be the credit of government, expires with it. The instance of France under the former government,

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“ shews that it is impossible to compel the pay-
 “ ment of taxes by force, when a whole nation is
 “ determined to stand upon its ground.” That
 there is no compelling a *whole* nation is clear;
 because the part that must be employed to com-
 pel the rest is included in the whole: but it is
 also clear, that where the payment of taxes cannot
 be compelled contrary to the general disposition of
 the people, there will be no taxes at all, for a
 disposition in the people to pay taxes never can
 exist any where. If that which never existed can
 be said to expire, the disposition to pay taxes has
 expired in France, because the power to compel
 the payment of them has expired; and not only
 the credit of the government, but THE CREDIT OF
 THE NATION has expired also. Ruin and bank-
 ruptcy have been, and must ever be the conse-
 quence. To ruin and bankruptcy this man calmly
 invites us. The wretch who, with false signals,
 directs the vessel on shore that he may plunder the
 wreck, has at least the plea of interest for his wick-
 edness; but to love unprofitable mischief, to pro-
 mote destruction for the mere pleasure of contem-
 plating the sufferings of men, is a depravity for
 which there is no natural source in the human
 mind; a wish to see millions reduced at once to
 all the horrors of beggary and despair, that a bank-
 ruptcy in the English funds must occasion, should
 seem only to belong to what we are taught to
 believe of the devil himself. Let us, however,
 examine the facts and arguments upon which this
 horrible

horrible proposal is endeavoured to be maintained.

“ If France,” he says, “ with a revenue of nearly
 “ twenty-four millions sterling, with an extent of
 “ rich and fertile country above four times larger
 “ than England, with a population of twenty-four
 “ millions of inhabitants to support taxation, with
 “ upwards of ninety millions sterling of gold and
 “ silver circulating in the nation, and with a debt
 “ less than the present debt of England, still found
 “ it necessary, from whatever cause, to come to a
 “ settlement of its affairs, it solves the problem of
 “ funding for both countries.” But how this de-
 scription of the revenues and resources of France,
 where the funding system never could be esta-
 blished, and the necessity that country was under,
from whatever cause, of coming to a settlement of
 its affairs, can be applied to solve the problem of
 funding in England, any more than the problem
 of the balance of power, or any problem in Eu-
 clid, would, I believe, puzzle an Oedipus to dis-
 cover.

By way of demonstrating that the actual re-
 sources of England are inferior to those of France,
 he endeavours to prove that the specie in circulation
 in France is, and always has been, proportionably
 greater than in England; nay, that in “ this respect
 “ she must be in some considerable proportion behind
 “ every country in Europe;” by which unfortunate
 observation he kicks down, at one stroke, the ar-
 gument he had laboured through eight pages to
 maintain; for it is an undeniable fact, that Eng-
 land is in some considerable proportion *before* every
 other

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other country in Europe, in general riches, and that consequently the general riches of a country cannot, according to his own statement, be estimated by its quantity of specie.

The precious metals may be considered in two points of view, either as commodities, objects of commerce, or as the signs of exchange by which all other commodities are represented or transferred. In the first view, if the cheapness of a commodity is a proof that the market is sufficiently supplied, money is cheaper in England than in any other country in Europe; that is, a larger quantity of it may be purchased for the same quantity of labour or ingenuity. Considered on the other hand, as the signs of riches, we must be careful not to confound them with the things signified; as signs, they are really of no value, but as the things which they represent exist also. A country may suffer extreme poverty with half the gold in Europe in its hoards, as an individual may perish with hunger amid treasures which he would gladly exchange for a cup of water and a morsel of bread. Commerce is circulation. Riches, like the natural aliments, must be circulated through the habit before they can nourish and vivify the body; for the use of commerce, at last, can only be to obtain those goods and conveniences which the country does not naturally possess. The wealth of a nation consists in the exchange, or, according to the mercantile phrase, the quick return of riches, and not in their dead possession. To estimate the riches of an individual by the quantity of cash in his bureau,

bureau, would be just as conclusive as to estimate the riches and resources of England, merely by the relative quantity of its gold and silver coin. The gold and silver annually imported into Spain and Portugal, may be compared to food taken into a stomach that has lost the powers of digestion, passing through without affording nutriment or strength. In England, their momentum is multiplied an hundred fold by the rapidity of their motion.

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The real riches of a country are its industry and ingenuity, its agriculture, arts, and commerce; and where these exist, the signs employed to transfer or represent their produce will never be wanting. The common signs of money were first invented as of readier transfer than the more ponderous or immoveable things which they represent: when commerce was farther extended, it became necessary to invent still more portable signs, something by which money itself should be represented or transferred; and bills of exchange, and by degrees all the various modifications of paper currency and credit, have been introduced; and this system, by which a negociation is more easily carried between the Antipodes, than formerly between Rome and Athens, though, like all others, liable to abuse, is a marvellous instance of the advancement of human ingenuity.

In considering the subject of paper currency, it is very necessary to distinguish between that which is the *representative* of real riches, and that which is the *substitute* for them. The first is a proof
of

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of redundancy of wealth, and a means of its farther increase; the latter indicates absolute poverty within, and precludes the entrance of foreign riches. To understand this, we have only to compare the actual paper currencies of France or England. In England, no person is obliged to receive paper in payment, and yet it is never refused; and it is in value and effect perfectly equivalent with the gold and silver currency, and often preferred, as more convenient: the obligation is not upon the people to receive it, but upon those who are authorised to issue it, to exchange it instantly for lawful money, when required; and it is worth as much at Amsterdam or New York, and a great deal more at Bourdeaux or Nantes, than in London. In France, the paper currency, though the legal money of the nation, is thirty or forty *per centum* below the value of the coin. What Mr. Paine predicates as possible of the funding system in England at some indefinite time, when he says, "*It operates to multiply paper, and to substitute it in the room of money in various shapes, and the more paper is multiplied, the more opportunities are offered of exporting the specie; and it admits of a possibility, by extending it to small notes, of increasing paper till there is no money left,*" is exactly descriptive of the present situation of France, and has been the immediate consequence of the remedy he proposes to us against the evils of the funding system: by the very proceeding he would recommend to us, as the means of restoring the balance of gold and silver, and "realising paper credit for
" coin,"

“ coin,” gold and silver currency have utterly disappeared in France ; a louis d’or is to be purchased like a watch or a snuff-box ; that which he predicts will happen to us at some distant and indefinite time, has actually happened in the country he offers to us as an example, in one year after his prophecy. Such is the consistency, and sagacity, and foresight of this heaven-born judge of nations.

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The system of funding in England appears to have contributed much to her extraordinary prosperity. Amongst its principal advantages, is that of furnishing a safe and ready means to put the wealth of individuals into immediate productive activity. Landed security can only be occasionally obtained, and money lent upon it cannot be immediately called in when wanted ; but a security safe and productive, where money may be at all times placed, and at all times recalled at a day’s warning, cannot but afford an admirable facility for the circulation of riches. As to the objection to funding, as old as its institution, that a system founded on borrowing must ultimately fail, the experience of an hundred years has rather lessened than increased the apprehension ; after passing, to a great extent, all the bounds that have at different times fixed as its utmost possible latitude, it never appeared stronger than at the present moment ; it may be destroyed by long and disastrous wars, or by internal convulsions, or by a series of vicious administration ; but in the ordinary course of things, there seems to be no reason why it should not continue

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tinue as long as the activity, and industry, and ingenuity, upon which all national riches must be ultimately supported and maintained.

Common Sense opens with a notable discovery, which the author thinks it afterwards worth while to claim, with great anger, from the rhetor Raynal, (Let. p. 66, 67) That “society is produced by “our *wants*, and government by our *wickedness*.” But this is no more than to confound the general idea of government with the partial idea of criminal law. Criminal laws may be said to be necessitated by our wickedness, but the primary object of government is to *regulate*, and to *punish* only secondary and incidental. In the most virtuous society, men may and will very honestly and conscientiously disagree upon the administration of the affairs of the community. It therefore becomes immediately necessary to establish some common determined regulation, to refer to in doubtful points. This collective sense of the community upon each of these points, is the simple origin of *law*, and the aggregate sense of these regulations taken together, gives the first general idea of a *government*.

As far as probability may be allowed to explore the dark recesses of time, this should seem to have been the progress of civil society. *Men*, in their animal and insulated state, would be at first *hunters*, and would presently form themselves into bands for the greater power and convenience in attacking their prey; and as these bands, when they

met, would be liable to dispute their prizes with one another, they would elect the most active and ingenious among them to direct the chase, or command the battle : here we may trace the origin of *monarchy* as well as of war ; and to this simple state of society this simple government seems best adapted. Though the command was absolute, the submission was voluntary ; and, being conferred for effective purposes, requiring effective powers and abilities, would only be temporary and occasional.

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Men would next learn to tame and breed the granivorous race of animals, and *pasturage* is the second step in civilization. The feeding of cattle requires no very active powers, either of body or mind ; and these pastors would be content to refer their disputes and contentions to the wiser and more experienced of their elders ; and here we may perceive the beginning of *aristocratical* government.

In process of time, these peaceable pastors would be attacked by some of the hardy and warlike tribes of hunters, to whom they would fall an easy conquest : here a great variety of new civil relations commences. These conquerors, ferocious from education, would treat the conquered people as their servants and dependants, and force them to cultivate the earth, much as we now force the negroes to raise our sugars and cotton and rice ; and this is the probable origin of *agriculture*, which is the third state of civilization ; and to this state

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we may refer the beginning of that inexhaustible source of civil relations, exclusive property. Here men become stationary, and, instead of wandering in search of the animals of the chase, or of fresh pastures for their cattle, built cities, and began to exercise the arts. As soon as several of these stationary societies or nations came to be formed, they would be desirous of exchanging with each other their different natural productions, or the produce of the arts in which they had learned to excel, and *commerce* would take place. Stimulated by new passions, improved by the acquisition of new ideas, the mind of man would finally attain to its utmost degree of perfection; the abstract sciences and fine arts would be invented and cultivated, and the secrets of nature laid open to his view. Here man becomes a new being of his own creation, differing infinitely more from his animal state, than any other animals do from each other. His ideas, his passions, his wants are increased in an infinite ratio; and to attempt to govern him by the simple relations of his original nature, is just as reasonable as to propose to reduce him to feed upon acorns, or live in hollow trees.

This seems to be the most probable history of the rise and progress of human society, if it were of any use to go back into doubtful and obscure origin to establish practical rights.

Systems founded upon arguments *à priori* are not for the use of man. Our finite and erring reason cannot proceed downwards from general causes and
universal

universal archetypes, to complete effects and perfect institutions. We must be content to take humble fact for our guide, and to rise by slow and laborious experiment from ignorance to partial knowledge. Systems will be as imaginary and unstable in politics as in philosophy, and of much more danger. The former shine for a moment and disappear, like the harmless coruscations of summer meteors; but the latter are replete with electric and combustible matter, of power to mark their course with deep and lasting traces of destruction. To view at once, and before hand, all the possible consequences resulting from general principles, belongs alone to omniscience; and to combine them in effectual action, to omnipotence. Every thing in the moral world seems to grow out of relative circumstances; nay, it should seem, that God has ordained nature herself to proceed in the same course. Modes of existence seem gradually to produce themselves by the energy of their necessities, in the same manner that anatomists have observed new vessels to be formed in diseased bodies, by the new or increased action of the parts.

The grand advantage of society over the uncivilized or animal state, is the vast increase that it gives to the numbers, and faculties, and powers of mankind, and consequently to the general sum of human happiness. This is the end and object of *society*. The object of *government* is to secure to every individual the peaceful enjoyment of whatever share of these he has been able to obtain.

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Government, in the first instance, guarantees to every man the security of his person and property; but if government is bound to protect liberty and property, it is consequently bound to protect the advantages arising from them, or it does nothing at all. Every man who has a large property is in some sort the natural representative, the native protector of those persons to whom his estate furnishes the means of support; he may be said to be the proxy of them all: he therefore comes to election, or deliberation, with a greater weight than a man who answers for nobody but himself; and this great and natural advantage, resulting from property, is to be protected by the laws, not to be taken away by the laws; from whence it results, unless I am much mistaken, that a system forcing extreme equality is a system of extreme injustice.

Nor, under the common established dispensation, have those members of society who are the least benefited by it any reason to complain, so long as their state is better than it would have been without society. To estimate his relative situation, a pauper is to compare himself with a monkey or a bear, as well as with a duke or a nabob; and his inferiority, in civil society, to the latter is infinitely small, when compared to his advantages over animal nature: he is, on the whole, an immense gainer by society. These principles appear to me perfectly clear and distinct; and whatever Mr. Paine may say, I cannot think them less likely to be true, because they have received the universal consent

consent of mankind, as far as we know, in all ages of the world.

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The first law of civil society is subordination. Supposing it possible that men should have entered into society in a state of equality, or that, by some violent effort, equality could for a moment be forcibly established, superior industry, or ingenuity, or good fortune, would immediately place one man in a superior situation to another. To oblige men to do their duty in their different stations of life, to render them content with what is unavoidable, and to make this necessary inequality the most productive of good, and the least possibly burthensome and oppressive, has hitherto been the object of morals, and religion, and the laws. Our modern doctors have however determined otherwise—*Dis aliter visum*. As there is no absurdity in physics or ethics, which philosophers are not destined at one time or other to maintain, the equal rights of man, amid the numberless inequalities incident to our infinitely complicated societies, was reserved for the French sect of *encyclopedians*. I confess myself no admirer of the French philosophers; they affect a dogmatical manner, the reverse of true philosophy; a sort of *pansophy*, or universality of command over the opinions of men, which can only be supported by the arts of deception. Their object has been much more to captivate, than to enlighten mankind; not to make them wiser or better, but to gain an ascendancy over their minds, by flattering their passions and their vices. They

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have their plots and intrigues, their *esprit du corps* and their *crie de guerre*; and have been the inventors of all those pantomimical tricks, fitter for a puppet-show than a grave legislative assembly. If the French revolution had been conducted by practical men, of sound understandings, the *Somers's* and *Hale's* of our revolution in 1688, France would probably have been at this time in the full enjoyment of all the benefits of a strong and free government. These men would have disdained to make the people the dupe of such an arrant bubble as the "equal rights of man;" but the almanack-makers and pamphleteers had no chance for any share in the government, except by exciting and keeping up some extraordinary effervescence amongst the lower orders of the people. In a little better language, and with somewhat, though not much more decency of manner, they preach the very same doctrines by which the mob has in all ages and countries been excited to sedition. They first endeavour, by a sort of neology of their own, to confound all ideas of right and wrong; and then, by way of securing the continuance of their influence, to establish the constitution itself upon these very principles of sedition which have hitherto been exclusively applied to the subversion of all government. How unfit these *literati* were to give laws to the great community, might indeed have been foreseen from their management of their own little province. The republic of letters has ever been opprobrious for its bad government;

its feuds and animosities ; its treacherous wars and tyrannical exclusions. The *odium theologicum* is not more proverbial than the irritable anger of the people, of poets, and philosophers*. National happiness will be no more found in a government maintained by inspiring the people with a ferocious hatred of their superiors than under a tyranny ; nay, it should seem from the example of France, that, of the two, this state is more favourable to it than the former. Under all the disadvantages of a bad government, oppressed and impoverished by the court, and the nobility, and the church, the French were celebrated for suavity of manners, and a happy gaiety of disposition, which has often humbled the conscious pride of a free-born Briton.

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* What opinion these gentry entertain of each other may be learned by the following extracts from one of the most learned and acute of them all. “Philosophers themselves foment the
“ prejudices which are useful to them with as much ardour as
“ they endeavour to overturn those which are hurtful to them.”—
“ They play off their efforts to obtain general fame rather than
“ the suffrages of the enlightened part of mankind ; and they hate
“ each other with a rancour which they have not even the pru-
“ dence to conceal ; and yet these feeble beings call themselves
“ philosophers ; as if philosophy, before she undertakes to regu-
“ late, after her own fashion, well or ill, the system of the world,
“ ought not to begin by ourselves, and teach us the real value of
“ things.”—“ When I consider with attention the empire of
“ literature, methinks I see a market-place, where a multitude
“ of empirics, mounted upon their stages, call out to the pas-
“ sengers, and impose upon the people, who begin by laughing
“ at them, and finish by becoming their dupes.”

Essai sur les Gens de Lettres, par M. d'Alembert.

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If these have of late totally disappeared from amongst them, it is not owing to the increase of liberty, for that would have added to their cheerfulness and content; but because they have been seduced to substitute for the language and feelings of nature, I know not what semi-philosophical jargon, good for nothing but to harden the heart, and sophisticate common sense. This tendency was observed thirty years ago, by the encyclopedian I quoted above. This anatomy of the soul (he complains) “has intruded itself into our common conversation. We do not talk, we dissent; and our societies have lost that gaiety and warmth that was their greatest charm*.” Whether, under the present order of things, the master of a family retires from his political club or debating society to his evening repose with as light a heart as he was wont to return from mixing in the dance on the green, led on by his sprightly progeny, is, I fear, more than doubtful. Those who would make the happiness of mankind depend on theories and computation, will find themselves miserably out in their reckoning. Human imagination, upon which all our happiness must ultimately depend, is strangely capricious; it laughs at reason, and despises calculation. The pleasure that once brightened the countenance, and expanded the heart of a Frenchman, at the sight of the magnificence of Versailles, was perhaps a more delicious sensation

* Préface de l'Encyclopédie.

than

than the patriot now feels in contemplating its deserted walls, as a monument of the restoration of liberty. In the former, the ruinous expence of the construction was forgotten amid the splendid scene; and when he exultingly asked, *Is your St. James's as fine as this?* he felt not only an interest but a property in all he admired. In the contemplation of its despoiled and desolated grandeur, its silent halls and solitary state-rooms, its dried up fountains and mouldering sculptures, the joys of freedom will be suspended or absorbed in sad reflections on the vanity of human greatness, and the instability of human institutions. Such are the associated trains of our ideas, that we cannot contemplate what *is*, without reflecting upon what *is not*. The silence will be disturbed by sounds of triumph that are no longer heard, and the solitude peopled with the brilliant forms that shall no more glide over its polished floors. From a scene that used to exhilarate the natural gaiety of a party for the best of the day, all but the philosopher will retire to melancholy meditation on the fleeting vanities of the world, and the empty projects of man.

The history of political and religious disputes is the history of hypocrites and enthusiasts, of knaves and dupes. The artful and cunning govern the world, by exciting and directing the passions of the simple to their own views and purposes. Under the influence of passion, men are made to believe what they do not understand, and to act what they cannot approve. When the mind is once worked

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up to enthusiasm, there is no absurdity which will not be implicitly received by the dupes, provided it tends to support the pre-conceived object of their passion. The long age of religious fanaticism appears to decline apace. A general suffusion of a sort of knowledge, and the increasing intercourse of mankind, will probably proceed finally to destroy the empire of that gross ignorance, which is said to be the mother of superstition; and the redundant activity of enthusiastic minds must overflow through some new vent, and in some new direction. The knaves and hypocrites seem to turn their eyes towards systems of civil government to supply the place of systems of religion, and the object appears but too well adapted to the purpose. The passions may be heated to any point of zeal by political as well as by religious opinions; the former may have its persecutions, and martyrs, and saints, and apostles, as well as the former. The “original equality of man” seems quite as well calculated to arm man against man, as the “immaculate conception of the blessed Virgin;” and the real presence of “the abstract imprescriptible rights of man” in our complicated societies, as the real presence of the body and blood of Christ, under the elements of bread and wine in the eucharist. During the reign of superstition, reason was enslaved and bound. Under the reign of political fanaticism, she will be made the pander of folly, and dress her out in her own garb and semblance; and this external appearance will be all that is necessary for the degree of

of improvement in the general knowledge of the world, which, though it may be sufficient to dispel the thick and palpable darkness of superstition, will by no means furnish any test to distinguish truth from error in difficult and intricate subjects. This enlightened age is not less liable to be deceived than its dark predecessor, but it must be deceived in another way. To the priests have succeeded the philosophers.

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If to these the reign of good sense is ever destined to follow, it must be when men, content to be ignorant of what they cannot know, will believe nothing that they do not clearly understand; when there are neither knaves, nor dupes, nor hypocrites, nor enthusiasts.

In very complicated subjects, like this of politics, the difficulty of distinguishing truth from error is in proportion to the combinations of which they admit; for truth is a single point from which error may deviate in the exact ratio of these possible combinations: to hazard, therefore, our practical happiness upon mere untried abstract theories, must be ever imprudent and unwise. Bayle, the most acute and impartial of all dialecticians, makes the following notable remark upon the science of which he was so great a master. "Philosophy," says he, "may be compared to those caustics which are employed in the treatment of wounds to consume the fungous excrescences that prevent the granulation of new flesh, but which, if allowed to go too far, corrode the sound parts, and eat through

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“ through the bone to the very marrow: So philosophy begins by refuting error; but, if it is not stopped there, proceeds to attack truth itself, and goes on till it loses all direction, and finds at last nothing whereon to rest.”

My business is with the work, and not with the author, or else I would ask, why is this man an emigrant from America, where liberty has established her stand, to mix in the troubles of France, or concern himself in the government of England? Is it a *disturbed* rather than a free country, that is his natural element? Are “those fine feelings,” which nature has not been “kind enough to blunt,” more agreeably excited by the contemplation of foreign tumult than domestic tranquillity? Are his deserts least acknowledged, and his person least considered, where he is best known? Can his talents be employed to no good purpose at his adopted home, that he is driven to make an officious tender of them to a nation he affects to hate and despise? Of the private history of Mr. Paine I neither know any thing, or wish to enquire. But these questions arise out of the nature and tendency of his work. “Put no trust,” says Rousseau, “in those cosmopolites, who in their writings seek for duties at a distance, while they neglect to perform those which are their immediate concern. A philosopher of this kind loves the Tartars, by way of excuse, for hating his neighbours.”

If I were to recognise “Rights of Man” in
a few

a few words, I should say, that it is the work of a shrewd empiric, written in a kind of specious jargon, well enough calculated to impose upon the vulgar, but containing nothing new or ingenious, or deserving of serious attention. The great secret of quackery is to address the passions of men, while they are made to believe, that their understandings only are engaged; to work upon their hopes and fears, under the mask of reason. Religion, and politics, and medicine, are abundant and never-failing sources of empirical frauds. The fear of death, for example, renders nine tenths of mankind a constant prey to the most impudent and ignorant pretenders to medicine; to-day it is an elixir, which will preserve men from death, as long as it can keep them alive; to-morrow it is a nostrum, which enters into a conflict with the disease, hand to hand, and expels him by main force out of some door or window of the body; and the worst of it is, that this gabble is more german to the comprehension of the generality of people than real knowledge; for one that can read John Hunter, hundreds will be seduced with the popular nonsense of ignorant pretenders. When a mountebank comes to the door of a sensible and discreet house-keeper, he will say to him, Friend, go about your business, unless you have a mind to be taken up as a vagrant, and whipped and passed to your parish. I and my family are, thank God, in good health; and when any of us are ill, we will use such known and tried remedies as the physician shall prescribe.

Sir Brooke
Boothby.

Sir Brooke
Boothby.

In the mean time, take away your impudent lying bills and advertisements, designed to impose upon our simplicity, in an art of which we are wholly ignorant, that you may pick our pockets. You shall not fill our heads with vain fears and idle apprehensions, that you may vend your poisonous drugs, which, if we were fools enough to take, might occasion real maladies.

MR.

MR. MACKINTOSH.

THERE is perhaps only *one* opinion about the French revolution in which its friends and its enemies agree. They both conceive that its influence will not be confined to France; they both predict that it will produce important changes in the general state of Europe. This is the theme of the exultation of its admirers, this is the source of the alarms of its detractors. It were indeed difficult to suppose that a revolution so unparalleled should take place in the most renowned of the European nations, without spreading its influence throughout the christian commonwealth; connected as it is by the multiplied relations of politics, by the common interest of commerce, by the wide intercourse of curiosity and of literature, by similar arts and by congenial manners. The channels by which the prevailing sentiments of France may enter into the other nations of Europe, are so obvious and so numerous, that it were unnecessary and tedious to detail them; but I may remark as among the most conspicuous, a central situation, a predominating language, an authority almost *legislative* in the ceremonial of the private intercourse of life. These and many other causes must facilitate the diffusion of French politics among the neighbouring nations; but it will be justly remarked, that their effect must in a great measure depend on the *stability* of the REVOLUTION. The suppression

Vindiciæ
Gallicæ.

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suppression of *an honourable revolt* would strengthen all the governments of Europe; the view of a splendid *revolution* would be the signal of insurrection to their subjects. Any reasonings on the influence of the French revolution may therefore be supposed to be premature until its permanence be ascertained. Of that permanence my conviction is firm; but I am sensible that in the field of political prediction, where veteran sagacity has so often been deceived, it becomes me to harbour with distrust, and to propose with diffidence, a conviction influenced by partial enthusiasm, and perhaps produced by the inexperienced ardour of youth. The moment at which I write is peculiarly critical (August 25th, 1791). The invasion of FRANCE is now spoken of as immediate by the exiles and their partisans; and the confederacy of despots is announced with new confidence; but notwithstanding these threats, I retain my doubts whether the jarring interests of the European courts will permit this alliance to have much energy or cordiality; and whether the cautious prudence of despots will send their military slaves to a school of freedom in France: but if there be doubts about the likelihood of the enterprise being undertaken, there can be few about the probability of its event. History celebrates many conquests of obscure tribes whose valour was animated by enthusiasm, but she records no example where foreign force has subjugated a powerful and gallant people, governed by the most imperious passion that can sway

sway the human breast. Whatever wonders fanaticism has performed, may be again effected by a passion as ardent, though not so transitory, because it is sanctioned by virtue and reason. To animate patriotism, to silence tumult, to banish division, would be the only effects of an invasion in the present state of France. A people abandoned to its own inconstancy, have often courted the yoke which they had thrown off; but to oppose foreign hostility to the enthusiasm of a *nation*, can only have the effect of adding to it ardour, and constancy, and force. These and similar views must offer themselves to the European cabinets; but perhaps they perceive themselves to be placed in so peculiar a situation, that exertion and inactivity are equally perilous. If they fail in the attempt to crush the infant liberty of France, the ineffectual effort *will recoil* on their own governments, and hasten their destruction. If they tamely suffer a school * of freedom to be founded in the *centre*

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* The most important materials for the philosophy of history are collected from remarks on the *coincidence* of the situations and sentiments of distant periods; and it may be curious as well as instructive, to present to the reader the topics by which the CALONNES of CHARLES I. were instructed, to awaken the jealousy and solicit the aid of the European courts. "A dangerous combination of his majesty's subjects have laid a design to dissolve the monarchy and frame of government—becoming a dangerous *precedent* to all the MONARCHIES of Christendom, if attended with success in their design."

King Charles I.'s Instructions to his Minister in Denmark, in Ludlow's Memoirs, vol. iii. p. 257.

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of Europe, they must foresee the hosts of disciples that are to issue from it for the subversion of their despotism.

They cannot be blind to a species of danger which the history of Europe reveals to them in legible characters. They see, indeed, that the negotiations, the wars, and the revolutions of vulgar policy pass away without leaving behind them any vestige of their transitory and ignominious operation. But they must remark, that besides this *monotonous villany*, there are cases in which Europe, actuated by a *common* passion, has appeared as *one* nation. When a society of nations are so closely united as to resemble the union of the provinces of a state, the propagation of sentiment is indeed inevitable, and the European annals already afford sufficient evidence of its effect. The religious passion animated and guided the spirit of chivalry—Hence arose the *crusades*. “A nerve was touched
“of exquisite feeling, and the sensation vibrated
“to the heart of Europe*.” In the same manner the reformation gave rise to religious wars, the duration of which exceeded a century and a half. Both examples prove the existence of that *sympathy*, by the means of which a great passion, taking its rise in any considerable state of Europe, must circulate through the whole christian commonwealth. Illusion is, however, transient, and truth is immortal. The epidemical fanaticism of former

* Gibbon.

times was short-lived, for it could only flourish in the eclipse of reason. But the virtuous enthusiasm of liberty, though it be like that fanaticism contagious, it is not like it transitory.

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But besides the facility with which we have seen a common passion to be diffused in Europe, there are other circumstances which entitle us to expect that the example of France will have a mighty influence on the subjects of despotic governments. *The Gothic governments of Europe have lived their time.* Man, and for ever! is the sage exclamation of Mr. HUME. Limits are no less rigorously prescribed by nature to the age of governments than to that of individuals. Whether it be owing to our fickleness or our wisdom, to the inflexibility or the imperfection of our institutions, or to the combined operation of these various causes, certain it is, that the wide survey of history discovers with as much clearness, the growth, the decay, and the dissolution of governments, as the narrow view of personal experience can remark the progress and the death of individual man. The heroic governments of Greece yielded to a body of legislative republics. They were in their turn swallowed up by the conquests of Rome. That great empire itself, under the same forms, passed through various modes of government. The first usurpers concealed it under a republican disguise; their successors threw off the mask, and avowed a military despotism. The empire expired in the ostentatious feebleness of an Asiatic monarchy. It was over-

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thrown by savages, whose rude institutions and barbarous manners have, until our days, influenced Europe with a permanence refused to wiser and milder laws. But, unless historical analogy be altogether delusive, the *decease* of the *Gothic* governments cannot be distant. Their maturity is long past, and symptoms of their decrepitude are rapidly accumulating. Whether they are to be succeeded by more beneficial or more injurious governments, may be doubted; but that they are about to perish, we are authorized to suppose, from the usual age to which the governments recorded in history have arrived.

There are also other presumptions furnished by historical analogy, which favour the supposition that *legislative governments* are about to succeed the rude usurpations of Gothic Europe. The commonwealths which in the sixth and seventh centuries before the christian æra were erected on the ruins of the *heroic* monarchies of Greece, are perhaps the only genuine example of governments truly *legislative* recorded in history. A close inspection will, perhaps, discover some coincidence between the circumstances which formed these governments and those which now influence the state of Europe. The Phœnician and Egyptian colonies were not like our colonies in America, numerous enough to subdue or extirpate the native savages of Greece. They were, however, sufficiently numerous to instruct and civilise them. From that alone could their power be derived.

To

To that therefore were their efforts directed. Imparting the arts and the knowledge of polished nations to rude tribes, they attracted, by avowed superiority of knowledge, a submission necessary to the effect of their legislation; a submission which impostors acquire from superstition, and conquerors derive from force. An age of legislation supposes a great inequality of knowledge between the legislators and those who receive their institutions. The Asiatic colonists, who first scattered the seeds of refinement, possessed this superiority over the *Pelasgic hordes*; and the legislators who in subsequent periods organized the Grecian commonwealths, acquired from their travels in the polished states of the East, that reputation of superior knowledge which enabled them to dictate laws to their fellow-citizens. Let us then compare Egypt and Phœnicia with the enlightened part of Europe, separated as widely from the general mass by the *moral* difference of instruction, as these countries are from Greece by the *physical* obstacles which impeded a rude navigation. We must discern, that when philosophers become legislators, they are colonists from an enlightened country reforming the institutions of rude tribes. The present moment indeed resembles with wonderful exactness the legislative age of Greece. The multitude have attained sufficient knowledge to value the superiority of enlightened men, and they retain a sufficient consciousness of ignorance to preclude rebellion against their dictates. This is the pre-

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cise state in which the human mind is equally by discernment and deference prepared for legislation. This is the present condition of Europe. Philosophers have long remained a distinct nation in the midst of an unenlightened multitude. It is only now that the conquests of the press are enlarging the dominion of reason, as the vessels of *Cadmus* and *Cecrops* spread the arts and the wisdom of the East among the Pelasgic barbarians.

These general causes, the *unity* of the European commonwealth, the *decrepitude* on which its *fortuitous* governments are verging, and the similarity between our age and the only recorded period when the ascendant of philosophy dictated laws, entitle us to hope that freedom and reason will be rapidly propagated from their source in France. But there are not wanting symptoms of their probable progress, which justify the speculation. The first symptoms which indicate the approach of a contagious disease, are the precautions adopted against it. The first marks of the probable progress of French principles, are the alarms betrayed by despots. The *courts* of Europe seem to look on France, and to exclaim in their despair—

Hinc POPULUM latè REGEM belloque superbum
Venturum excidio Libyæ——

The courts of Europe have in various modes paid the homage of their fears to the French revolution. The king of Spain already seems to tremble for his throne, though it be erected on so
firm

firm a basis of general ignorance and triumphant priestcraft. By the expulsion of foreigners, and by subjecting the entrance of travellers to such multiplied restraints, he seeks the preservation of his despotism in a vain attempt to convert his kingdom into a *Bastille*, and to banish his subjects from the European commonwealth. The Chinese government has indeed thus maintained its permanency; but it is insulated by *nature* more effectually than by *policy*. Let the court of Madrid recall her ambassadors, shut up her ports, abandon her commerce, sever every tie that unites her to Europe; the effect of such shallow policy must be that of all ineffectual rigours (and all rigours short of extirpation are here ineffectual), to awaken reflection, to stimulate enquiry, to aggravate discontent, and to provoke convulsion.—*There are no longer Pyrennees*, said Louis XIV. on the accession of his grandson to the Spanish throne—*There are no longer Pyrennees*, exclaim the alarmed statesmen of *Aranjuez*, to protect our despotism from being consumed by the sun of liberty.

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The alarms of the pope, for the little remnant of his authority, naturally increase with the probability of the diffusion of French principles. Even the mild and temperate aristocracies of Switzerland seem to apprehend the arrival of that period when men will not be content to owe the benefits of government to the fortuitous character of their governors, but to the intrinsic excellence of its constitution. Even the unsuccessful struggle of

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Liege, and the *theocratic* insurrection of *Brabant*, have left behind them traces of a patriotic party, whom a more favourable moment may call into more successful action. The despotic court of the Hague are betraying alarms that the Dutch republic may yet revive. The *Stadtholderian* government, supported only by the terror of foreign arms, naturally dreads the destruction of a government odious and intolerable to an immense majority of the people.

Every where then are those alarms discernible, which are the most evident symptoms of the approaching downfall of the European despotisms. But the impression produced by the French revolution in England, in an enlightened country, which had long boasted of its freedom, merits more particular remark. Before the publication of Mr. Burke, the public were not recovered from that astonishment into which they are plunged by unexampled events, and the general opinion could not have been collected with precision. But that performance divided the nation into marked parties. It produced a controversy, which may be regarded as the trial of the French revolution before the enlightened and independent tribunal of the English public.—What its decision has been, I shall not presume to decide; for it does not become an advocate to announce the decision of the judge. But this I may be permitted to remark, that the conduct of our enemies has not resembled the usual triumph of those who have been victorious in the war

war of reason. Instead of the triumphant calmness that is ever inspired by conscious superiority, they have betrayed the bitterness of defeat, and the ferocity of resentment, which is peculiar to the black revenge of detected imposture. Priestcraft and toryism were supported only by literary advocates of the most miserable description. But they were abundantly supported by auxiliaries of another kind. Of the two great classes of enemies to political reform—the INTERESTED and the PREJUDICED—the activity of the first usually supplies what may be wanting in the talents of the last. Judges forgot the dignity of their function, priests the mildness of their religion; the bench, which should have spoken with the serene temper of justice; the pulpit, whence only should have issued the healing sounds of charity, were prostituted to party purposes, and polluted with invective against freedom. The churches resounded with language at which *Laud* would have shuddered, and *Sacheverel* would have blushed; the most profane comparisons between the duty to the divinity and to kings, were unblushingly pronounced; flattery to ministers was mixed with the solemnities of religion, by the servants, and in the temple of God. These profligate proceedings were not limited to a single spot. They were general over England. In many churches the French revolution was *expressly named*! In a majority it was the constant theme of invective for many weeks before its intended celebration. Yet these are the peaceful

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pastors who so sincerely and meekly deprecate political sermons !

Nor was this sufficient. The grossness of the popular mind, on which political invective made but a faint impression, was to be roused into action by religious fanaticism, the most intractable and domineering of all destructive passions. A clamour, which had for half a century lain dormant, was revived : *The church was in danger !* The spirit of persecution against an unpopular sect was artfully excited ; and the friends of freedom, whom it might be odious and dangerous professedly to attack, were to be overwhelmed as dissenters. That the majority of the advocates for the French revolution were not so, was, indeed, sufficiently known to their enemies. They were well known to be philosophers and friends of humanity, who were superior to the creed of any sect, and indifferent to the *dogmas* of any popular faith. But it suited the purpose of their profligate adversaries to confound them with dissenters, and to animate against them the fury of prejudices which they themselves despised.

The diffusion of these invectives produced those obvious and inevitable effects which it may require something more than candour to suppose not foreseen and desired. A *banditti*, who had been previously stimulated, as they have since been excused and panegyricized by incendiary libellists, wreaked their vengeance on a PHILOSOPHER, illustrious by his talents and his writings, venerable for the spotless
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purity of his life, and amiable for the unoffending simplicity of his manners. The excesses of this mob of *churchmen and loyalists* are to be poorly expiated by the few misguided victims who are sacrificed to the vengeance of the law.

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We are, however, only concerned in these facts, as they are *evidence* from our enemies of the probable progress of freedom. The probability of that progress they all conspire to prove. The briefs of the pope, and the pamphlets of Mr. BURKE, the edicts of the Spanish court, and the mandates of the Spanish inquisition, the Birmingham rioters, and the Oxford graduates, equally render to Liberty the involuntary homage of their alarms.

MR.

MR. G. ROUS.

Letter to
the Right
Hon. Ed-
mund
Burke.

DISABILITIES and proscriptions of particular bodies of men, as these never can be the punishment of a crime, must ever be unjust to the individual; must provoke his hatred of the power that inflicts the injury; must in the prevailing party nourish a spirit of tyranny, for ever growing by indulgence; and must therefore have a necessary tendency to destroy the peace and order of society. Were the constitution of any state so far perfected, that legislation should always proceed on general principles of equal justice, the laws will in such state be regarded, not as a burthen, but a benefit; not a weapon of hostility and outrage, but as a cementing benevolent principle uniting all hearts in their defence. Each man will feel an interest in the obedience of others, and no individual will henceforth violate the laws without personal disgrace, and provoking the just indignation of all.

An intelligent mind, abstracted from the history of human follies and human crimes, would discover in religion a new security for this reign of universal peace. The first idea presented, must be an awful impresson of the power and wisdom of the Great Author of all-created being. A contemplation of his works must develop the benevolence with which they were framed; and the general laws of the physical and moral world must teach that all are equal in his sight. Of the natural

tural rights which God has given to man, *the most perfect* is the freedom of his own mind. This he cannot renounce, though he may disguise : he cannot abandon, though he may belie his conscience, and deceive mankind. Of all the employments in which the powers of the human mind can be engaged, the worship of the Divine Being is peculiarly that in which hypocrisy is folly added to guilt—is peculiarly that which always *must belong exclusively to the individual*. As it regards another life, it can affect none but him. As it indirectly affects the affairs of this life, its operation depends solely on the sincerity with which it forms the heart and internal habits of the individual. If his devotions be sincere and rational, he can hope only to merit the favour of the Deity by the discharge of his moral duties to his fellow creatures, with whom he is destined to act. Accordingly we find, that in all religions, which are not mere systems of priestcraft, the fundamental principles are the same. They all enjoin the performance of the same duties. How far any religion shall produce *a real effect*, must depend on the sincerity with which the particular religionist humbles himself before his God. The utmost efforts of others, except by instruction, can avail nothing.

Happily for mankind, the truths which concern his duty are too obvious to create a difference of opinion. When, indeed, man wanders beyond these limits, into the airy regions of metaphysical subtlety, where priests have dogmatized, and the
gaping

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gaping multitude obeyed, *in thinking minds* opinions continually diverge, until as great a variety prevails in the sentiments as in the faces of mankind. Amidst this variety the wish of the individual to render his service most acceptable to the Deity, is a subject on which a philosopher would expect mutual forbearance, even greater than in the most abstract speculative science. *It exclusively affects the individual worshipper alone, and the most unbounded exercise of private judgment is duty.* Yet, strange as it may seem in a religion, whose fundamental principle is to love our neighbour as ourselves, and whose author has explained *neighbour* to mean *man without distinction of nation, of language, or religion*, intolerance of unimportant speculative dogmas, idle modes of worship and of faith, have convulsed every christian kingdom, and deluged the earth with blood. Its ferocious aspect, indeed, has softened, as reason and knowledge diffused their influence; but the malignant spirit yet lurks in tests, which the prevailing temper of the age forbids the magistrate to execute—sufficient, however, to engender discord, and occasionally destroy the houses of our fellow-citizens.

That society can have no possible interest in tests, this single consideration demonstrates. To those who are so unfortunate as not to comprehend or believe the relation in which man, as a moral being, stands to his Creator, all tests are vain. They cannot hesitate to subscribe any dogmas, or perform any ceremonies, which convenience may require,

require. Those, on the other hand, whose minds Mr. Rous.
 are awfully impressed with this great truth, find in
that opinion alone all the sanction which religion can
possibly give to the discharge of social duties. To
 such, tests are useless. But are tests, therefore,
 innocent? Their history proves, that they have
 originated in the worst passions of the human heart,
 are to this day upheld by the same spirit; and
 their necessary effects speak them subversive of the
 very foundations of all true religion and virtue.
 The test act originated in that horror of popery
 which pervaded the kingdom in the reign of
 Charles the second; which taught our ancestors
 to apprehend a general massacre from a feeble
 race, imbued, indeed, with a foolish superstition,
 but who formed not one hundredth part of the
 nation; which poisoned the very fountains of
 public security by false plots and conspiracies,
 murdering harmless citizens under the mask and
 forms of justice; which made that infamous per-
 jured villain, Titus Oates, a pensioner at the revo-
 lution; which deposited the last remains of its
 baneful influence in the outrages of lord George
 Gordon's mob, destroying our houses, and vomit-
 ing forth the contents of our prisons on the peace-
 ful inhabitants of this great metropolis. The ad-
 verse and equally senseless yell of danger to the
 church first provoked the opposite passion by the
 persecutions of Laud, aided by the courts of high
 commission and star-chamber; supported the ab-
 surd tyranny of Charles; upheld for a time the
 more

Mr. Rous. more foolish bigotry and greater violence of his brother; made a saint of Sacheverel, for preaching the impious and contemptible nonsense of passive obedience and non-resistance; and at length disgraced the nation in the eyes of enlightened Europe, by exciting an illiterate ignorant mob to destroy the house of a philosopher who is an honour to his country, of a man whom the virtuous must love; and to involve in the same ruin many worthy and industrious citizens, who presumed to worship God in the manner they deem most acceptable to the divine nature.

One party, indeed, dissenters included, though disgraced by their fanaticism, directed their clamours against popery to a noble object, the advancement of the civil liberties, and consequent happiness of mankind. They resisted the tyranny of the Stuarts, were the active friends of the revolution, secured the succession to the house of Brunswick, and preserved the crown to the ancestors of his present majesty. Above all, these men first learnt to apply their reasonings on civil to religious liberty; and have amply redeemed their past follies, by the just and liberal sentiments they now maintain. On the other hand, king-craft and priest-craft yet continue to disgrace their adversaries, who, in their ridiculous pretended zeal for uniformity of doctrine, which hypocrites alone can profess, lose sight of all their duties, and harden their hearts against the common charities, without which religion is a lie, and its rites a solemn mockery of their God.

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A right reverend prelate sounds the trump of civil discord ; and while an ignorant multitude pursue without mercy, and plunder without remorse, pious pastors from their pulpits insult the justice of their country in the presence of her judges, by treating the outrage of banditti as a wholesome supplement to her laws. Mr. Rous.

I, who can laugh at some dogmas of our church, and submit to her discipline, may venture to suggest, that the folly of this proscriptive spirit can be equalled only by its guilt. Why should the church, by profaning the most solemn rites of her religion, to qualify an exciseman, expose herself to the derision and contempt of enemies, whose numbers she cannot diminish ? Why irritate, why stimulate a numerous intelligent body of dissenters to investigate her errors and expose her defects ? Can a dissenter possibly behold the laws of his country excluding him from the common rights of citizenship, treating the acceptance of an office in the management of our common concern, as the most atrocious crime, to be punished with all the consequences of outlawry ; can a dissenter feel such outrage, and not abhor the unnatural, the absurd injustice ? There is a sophistry in our passions, which easily persuades us to believe it is our duty to destroy what we cannot but detest and abhor. While, therefore, test laws subsist, all who dissent from the church will labour its overthrow. Even I, a churchman and friend to establishment, do not hesitate to say, if the clergy *will combine their safety with injustice to*

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others,

Mr. Rows. *others*, let establishments perish. Establishments are *useful*; justice is *necessary* to the well-being of society.

So absurdly do some men reason, that this temper of dissenters *thus provoked and irritated* has been urged as an argument for upholding the *cause*. The clergy, forgetting the precepts of the meek author of their religion, claim a merit in abstaining from more active persecution, take praise that they do not re-light the fires of Smithfield, and, with the language of charity in their mouths, but with the most unchristian rancour in their hearts, represent proscription from the common rights of citizenship as no injury. They affect to justify injustice: and in their turn to complain; that *their indulgence* to tender consciences is ill received, and that those who are not contented with *their permission* to live unmolested in our common country, prove themselves unworthy the rights of citizens. In private life, were an individual to hold the same language, were he to say to his equal, “ I do you no injury; I have
 “ neither murdered your father, nor robbed your
 “ house; I have only turned you out of every
 “ public meeting in the parish;” were he absurdly to justify his violence, by alleging the manifest anger and resentment of his adversary, a dark room and strait waistcoat would be the sole reply to such ridiculous madness. Yet the absurdity of our present test laws is somewhat greater. While they irritate and provoke the dissenters by an exclusion from all offices of honour or profit,
 they

they admit them as electors, admit them even to ^{Mr. Rous} sit in both houses of parliament, where alone their resentment can attempt a change.

The real motive for preserving these laws is not a regard for the interests of society, yet less for the interests of religion ; nor is the motive to be found in a zeal for the establishments of our church. Some establishment may rest on the broad basis of public utility. A precarious provision for the clergy, has a natural tendency to degrade religion in the persons of its ministers ; *less, indeed, than a perversion of its precepts, or a profanation of its rites.* The clergy of the national religion ought, therefore, to be placed in a situation, whenever they deserve, to command respect. It were, perhaps, difficult to reconcile to enlightened reason all the arrangements of our national church : but possession is title, which none can impeach, who cannot demonstrate advantages more than sufficient to compensate the necessary evils of a change. If test laws degrade religion by a prostitution of its rites, destroy it by a subversion of its precepts, and endanger the church establishment without a rational motive, what can support them ? According to bishop Warburton, the established church in any country is the natural *ally* of the civil government ; and “ the great preliminary or fundamental article of alliance is this : *that the church shall apply all its influence in the service of the state, and the state shall support and protect the church.*” According to this notable system,

Mr. Rous. all governments are a conspiracy of profligate statesmen and corrupt priests against the common rights of mankind. Of such a system test laws are a most useful part: they enable priests and statesmen to inflame the minds of men against each other by groundless distinctions—the very terms of which the multitude cannot comprehend—to preclude all union from a sense of common interest; and thus advance the profit of a *few* on the plunder and oppression of the *many*. But the sun of freedom has risen on the world to dispel these clouds of ignorance. The nation will unite in a common cause; and if such conspirators shall then remain, their falsehood, hypocrisy, and fraud will incur the scorn and detestation of mankind.

The principle of justice, extending its equal protection to every member of the community, speaks the plain language of universal peace. To consider public institutions as deriving all their claim to support from their public utility, has a necessary tendency to unite all men in the cause of just government. Yet for maintaining these doctrines have I been stigmatised as wishing to become the leader of a mob. With those who *cannot reason*, I appeal to my past conduct. In the year 1780 it was my lot to sit in parliament when lord George Gordon assembled his myrmidons. Generally voting against government, then engaged in the American war, I had no particular call of duty to be forward in its defence; yet for my activity in resisting that banditti, assembled in the lobby to

awe the house of commons, I had the honour to Mr. Rous.
 be included in the same proscription with sir George
 Saville; and my humble habitation would probably
 have shared the fate of his, had not the Irish stu-
 dents of the law, perfect strangers to me, with a
 generous spirit characteristic of the nation, offered
 their protection. Our measures for resistance, at
 first derided, taught others to consult their own
 safety; and we were soon invited to concur in a
 common defence.

The friends of civil and religious liberty must
 ever be friends of order. Their sole power is the
 voice of truth, which can be heard only in a calm.
 The temple of their worship can alone arise from
 the sober reason of mankind, directed by a sense of
 common interest. Government, on the contrary,
 love an occasional riot, which, with the assistance
 of the military, is easily suppressed: in the mean
 time it alarms the votaries of a sordid luxury;
 makes them crouch for protection; and teaches
 them patiently to endure evils imposed by the hand
 of power. Accordingly, for more than a month
 preceding the 14th of July, all the daily prints in
 the interest of the treasury laboured to excite a
 tumult: yet in the numerous places where the
 French revolution was celebrated, among its
 friends thus irritated and insulted, not a symptom of
 ill will to any human being has appeared. In Bir-
 mingham, on the other hand, the senseless yell of
 danger to the church resounded; and an ignorant
 multitude were taught to display their zeal for a meek

Mr. Rous. and holy religion, by conflagrations raised in the houses of their fellow-citizens. Even after this event, *doubtless some breach of order*, government have abounded in tenderness and mercy. To let loose the rigours of justice, might have been a cruel sacrifice of their friends.

When reasoning men behold these things, they are more firmly convinced, that a sense of universal justice can alone establish permanent order and peace—that a rigid adherence to general principles in legislation can alone secure imperfect beings from the seduction of prejudice or passion; and thence infer the wisdom of France in this solemn declaration of right, that the law should
 “ be the same to all, whether it protects or punishes;
 “ and all being equal in its sight, are equally eligible to all honours, places, and employments,
 “ according to their different abilities, without any
 “ other distinction than that created by their virtues and talents.”

MR. P A I N E.

MR. Burke's book is *all* miscellany. His intention was to make an attack on the French revolution; but instead of proceeding with an orderly arrangement, he has storned it with a mob of ideas, tumbling over and destroying one another,

Rights of
Man.

But this confusion and contradiction in Mr. Burke's book is easily accounted for.—When a man in a long cause attempts to steer his course by any thing else than some polar truth or principle, he is sure to be lost. It is beyond the compass of his capacity to keep all the parts of an argument together, and make them unite in one issue, by any other means than having this guide always in view. Neither memory nor invention will supply the want of it. The former fails him, and the latter betrays him.

Notwithstanding the nonsense (for it deserves no better name) that Mr. Burke has asserted about hereditary rights and hereditary succession, and that a nation has not a right to form a government for itself, it happened to fall in his way to give some account of what government is. “Government, says he, *is a contrivance of human wisdom.*”

Admitting that government is a contrivance of human wisdom, it must necessarily follow, that

Mr. Paine. hereditary succession, and hereditary rights (as they are called), can make no part of it, because it is impossible to make wisdom hereditary; and on the other hand, *that* cannot be a wise contrivance, which in its operation may commit the government of a nation to the wisdom of an idiot. The ground which Mr. Burke now takes is fatal to every part of his cause. The argument changes from hereditary rights to hereditary wisdom; and the question is, Who is the wisest man? He must now shew that every one in the line of hereditary succession was a Solomon, or his title is not good to be a king.—What a stroke has Mr. Burke now made! To use a sailor's phrase, he has *swabbed the deck*, and scarcely left a name legible in the list of kings; and he has mowed down and thinned the house of peers, with a scythe as formidable as death and time.

But Mr. Burke appears to have been aware of this retort, and he has taken care to guard against it, by making government to be not only a *contrivance* of human wisdom, but a *monopoly* of wisdom. He puts the nation as fools on one side, and places his government of wisdom, all wise-men of Gotham, on the other side; and he then proclaims, and says, that “*Men have a RIGHT that their WANTS should be provided for by this wisdom.*” Having thus made proclamation, he next proceeds to explain to them what their *wants* are, and also what their *rights* are. In this he has succeeded dextrously, for he makes their

their wants to be a *want* of wisdom; but as this is Mr. Paine,
 but cold comfort, he then informs them, that
 they have a *right*, not to any of the wisdom, but
 to be governed by it: and in order to impress
 them with a solemn reverence for this monopoly-
 government of wisdom, and of its vast capacity for
 all purposes, possible or impossible, right or wrong,
 he proceeds, with astrological mysterious import-
 ance, to tell to them its powers, in these words—
 “ The rights of men in government are their ad-
 “ vantages; and these are often in balances be-
 “ tween differences of good, and in compromises
 “ sometimes between *good* and *evil*, and sometimes
 “ between *evil* and *evil*. Political reason is a *com-*
 “ *puting principle*; adding—subtracting—multi-
 “ plying—and dividing, morally, and not meta-
 “ physically or mathematically, true moral de-
 “ monstrations,”

As the wondering audience whom Mr. Burke supposes himself talking to, may not understand all this learned jargon, I will undertake to be its interpreter. The meaning then, good people, of all this is, *That government is governed by no principle whatever; that it can make evil good, or good evil, just as it pleases. In short, that government is arbitrary power.*

But there are some things which Mr. Burke has forgotten. *First*, He has not shewn where the wisdom originally came from: and *secondly*, he has not shewn by what authority it first began to act. In the manner he introduces the matter, it

Mr. Paine.

is either government stealing wisdom, or wisdom stealing government. It is without an origin, and its powers without authority. In short, it is usurpation.

Whether it be from a sense of shame, or from a consciousness of some radical defect in a government necessary to be kept out of sight, or from both, or from any other cause, I undertake not to determine; but so it is, that a monarchical reasoner never traces government to its source, or from its source. It is one of the *shibboleths* by which he may be known. A thousand years hence, those who shall live in America, or in France, will look back with contemplative pride on the origin of their governments, and say, *This was the work of our glorious ancestors!*—But what can a monarchical talker say? What has he to exult in? Alas! he has nothing. A certain something forbids him to look back to a beginning, lest some robber or some Robin Hood should rise from the long obscurity of time, and say, *I am the origin!* Hard as Mr. Burke laboured the regency bill and hereditary succession two years ago, and as much as he dived for precedents, he still had not boldness enough to bring up William of Normandy, and say, *There is the head of the list! there is the fountain of honour!* the son of a prostitute, and the plunderer of the English nation.

The opinions of men with respect to government, are changing fast in all countries. The revolutions of America and France have thrown
a beam

a beam of light over the world, which reaches into man. The enormous expence of governments has provoked people to think, by making them feel; and when once the veil begins to rend, it admits not of repair. Ignorance is of a peculiar nature: once dispelled, and it is impossible to re-establish it. It is not originally a thing of itself, but is only the absence of knowledge; and though man may be *kept* ignorant, he cannot be *made* ignorant. The mind, in discovering truth, acts in the same manner as it acts through the eye in discovering objects; when once any object has been seen, it is impossible to put the mind back to the same condition it was in before it saw it. Those who talk of a counter revolution in France, shew how little they understand of man. There does not exist, in the compass of language, an arrangement of words to express so much as the means of effecting a counter revolution. The means must be an obliteration of knowledge; and it has never yet been discovered, how to make man *un-know* his knowledge, or *unthink* his thoughts.

Mr. Burke is labouring in vain to stop the progress of knowledge; and it comes with the worse grace from him, as there is a certain transaction known in the city, which renders him suspected of being a pensioner in a fictitious name. This may account for some strange doctrine he has advanced in his book, which, though he points it at the revolution society, is effectually directed against the whole nation.

Mr. Paine.

“ The

Mr. Paine.

“ The king of England,” says he, “ holds *his*
 “ crown (for it does not belong to the nation,
 “ according to Mr. Burke) in *contempt* of the
 “ choice of the revolution society, who have not
 “ a single vote for a king among them, either
 “ *individually* or *collectively*; and his majesty’s heirs,
 “ each in their time and order, will come to the
 “ crown *with the same contempt* of their choice
 “ with which his majesty has succeeded to that
 “ which he now wears.”

As to who is king in England or elsewhere, or whether there is any king at all, or whether the people choose a Cherokee chief, or a Hessian huffar for a king, is not a matter that I trouble myself about, be that to themselves; but with respect to the doctrine, so far as it relates to the rights of men and nations, it is as abominable as any thing ever uttered in the most enslaved country under heaven. Whether it sounds worse to my ear, by not being accustomed to hear such despotism, than it does to the ear of another person, I am not so well a judge of; but of its abominable principle I am at no loss to judge.

It is not the revolution society that Mr. Burke means: it is the nation, as well in its *original* as in its *representative* character; and he has taken care to make himself understood, by saying, that they have not a vote either *collectively* or *individually*. The revolution society is composed of citizens of all denominations, and of members of both the houses of parliament; and consequently,

quently, if there is not a right to a vote in any of the characters, there can be no right to any either in the nation or in its parliament. This ought to be a caution to every country, how it imports foreign families to be kings. It is somewhat curious to observe, that although the people of England have been in the habit of talking about kings, it is always a foreign house of kings; hating foreigners, yet governed by them. It is now the house of Brunswick, one of the petty tribes of Germany.

Mr. Paine.

It has hitherto been the practice of the English parliaments to regulate what was called the succession (taking it for granted, that the nation then continued to accord to the form of annexing a monarchical branch to its government; for without this, the parliament could not have had authority to have sent either to Holland or to Hanover, or to impose a king upon the nation against its will). And this must be the utmost limit to which parliament can go upon the case; but the right of the nation goes to the *whole* case, because it has the right of changing its *whole* form of government. The right of a parliament is only a right in trust, a right by delegation, and that but from a very small part of the nation; and one of its houses has not even this. But the right of the nation is an original right, as universal as taxation. The nation is the paymaster of every thing, and every thing must conform to its general will.

I remember

Mr. Paine.

I remember taking notice of a speech in what is called the English house of peers, by the then earl of Shelburne, and I think it was at the time he was minister, which is applicable to this case. I do not directly charge my memory with every particular ; but the words and the purport, as nearly as I remember, were these : *That the form of a government was a matter wholly at the will of a nation at all times: that if it chose a monarchical form, it had a right to have it so ; and if it afterwards chose to be a republic, it had a right to be a republic, and to say to a king, We have no longer any occasion for you.*

When Mr. Burke says that “ his majesty’s heirs
 “ and successors, each in their time and order,
 “ will come to the crown with the *same contempt*
 “ of their choice with which his majesty has suc-
 “ ceeded to that he wears,” it is saying too much even to the humblest individual in the country ; part of whose daily labour goes towards making up the million sterling a year, which the country gives the person it styles a king. Government with insolence, is despotism ; but when contempt is added, it becomes worse ; and to pay for contempt, is the excess of slavery. This species of government comes from Germany ; and reminds me of what one of the Brunswick soldiers told me, who was taken prisoner by the Americans in the late war : “ Ah !” said he, “ America is a fine
 “ free country, it is worth the people’s fighting
 “ for ; I know the difference by knowing my own ;
 “ in

“in my country, if the prince say, Eat straw, we
 “eat straw.”—God help that country, thought I,
 be it England or elsewhere, whose liberties are to
 be protected by German principles of government
 and princes of Brunswick !

Mr. Paine.

As Mr. Burke sometimes speaks of England, sometimes of France, and sometimes of the world, and of government in general, it is difficult to answer his book without apparently meeting him on the same ground. Although principles of government are general subjects, it is next to impossible in many cases to separate them from the idea of place and circumstance ; and the more so when circumstances are put for arguments, which is frequently the case with Mr. Burke.

In the former part of his book, addressing himself to the people of France, he says, “No experience has taught us (meaning the English),
 “that in any other course or method than that of
 “an *hereditary crown*, can our liberties be regularly perpetuated and preserved sacred as our
 “*hereditary right*.” I ask Mr. Burke, who is to take them away? M. de la Fayette, in speaking to France, says, “*For a nation to be free, it is sufficient
 “that she wills it.*” But Mr. Burke represents England as wanting capacity to take care of itself; and that its liberties must be taken care of by a king holding it in “contempt.” If England is sunk to this, it is preparing itself to eat straw, as in Hanover or in Brunswick. But besides the folly of the declaration, it happens that the facts
 are

Mr. Paine.

are all against Mr. Burke. It was by the government *being hereditary*, that the liberties of the people were endangered. Charles the first, and James the second, are instances of this truth; yet neither of them went so far as to hold the nation in contempt.

As it is sometimes of advantage to the people of one country to hear what those of other countries have to say respecting it, it is possible that the people of France may learn something from Mr. Burke's book, and that the people of England may also learn something from the answers it will occasion. When nations fall out about freedom, a wide field of debate is opened. The argument commences with the rights of war, without its evils; and as knowledge is the object contended for, the party that sustains the defeat obtains the prize.

Mr. Burke talks about what he calls an hereditary crown, as if it were some production of nature; or as if, like time, it had a power to operate not only independent, but in spite of man; or as if it were a thing or a subject universally consented to. Alas! it has none of those properties, but is the reverse of them all. It is a thing in imagination, the propriety of which is more than doubted, and the legality of which in a few years will be denied.

But, to arrange this matter in a clearer view than what general expressions can convey, it will be necessary to state the distinct heads under which
(what

(what is called) an hereditary crown, or, more properly speaking, an hereditary succession to the government of a nation, can be considered; which are, Mr. Paine.

First, The right of a particular family to establish itself.

Secondly, The right of a nation to establish a particular family.

With respect to the *first* of these heads, that of a family establishing itself with hereditary powers on its own authority, and independent of the consent of a nation, all men will concur in calling it despotism; and it would be trespassing on their understanding to attempt to prove it.

But the *second* head, that of a nation establishing a particular family with *hereditary powers*, it does not present itself as despotism on the first reflection; but if men will permit a second reflection to take place, and carry that reflection forward but one remove out of their own persons to that of their offspring, they will then see that hereditary succession becomes in its consequences the same despotism to others, which they reprobated for themselves. It operates to preclude the consent of the succeeding generation, and the preclusion of consent is despotism. When the person who at any time shall be in possession of a government, or those who stand in succession to him, shall say to a nation, I hold this power in "contempt" of you, it signifies not on what authority he pretends to say it. It is no relief, but an aggravation to a person

Mr. Paine.

person in slavery, to reflect that he was sold by his parent; and as that which heightens the criminality of an act cannot be produced to prove the legality of it, hereditary succession cannot be established as a legal thing.

In order to arrive at a more perfect decision on this head, it will be proper to consider the generation which undertakes to establish a family with *hereditary powers*, apart and separate from the generations which are to follow; and also to consider the character in which the *first* generation acts with respect to succeeding generations.

The generation which first selects a person, and puts him at the head of its government, either with the title of king, or any other distinction, acts its *own choice*, be it wise or foolish, as a free agent for itself. The person so set up is not hereditary, but selected and appointed; and the generation who sets him up, does not live under an hereditary government, but under a government of its own choice and establishment. Were the generation who sets him up, and the person so set up, to live for ever, it never could become hereditary succession; and of consequence hereditary succession can only follow on the death of the first parties.

As therefore hereditary succession is out of the question with respect to the *first* generation, we have now to consider the character in which *that* generation acts with respect to the commencing generation, and to all succeeding ones.

It assumes a character, to which it has neither
right

right nor title. It changes itself from a *legislator* to a *testator*, and affects to make its will, which is to have operation after the demise of the makers, to bequeath the government; and it not only attempts to bequeath, but to establish on the succeeding generation, a new and different form of government, under which itself lived. Itself, as is already observed, lived not under an hereditary government, but under a government of its own choice and establishment; and it now attempts, by virtue of a will and testament (and which it has not authority to make), to take from the commencing generation, and all future ones, the rights and free agency by which itself acted.

Mr. Paine.

But, exclusive of the right which any generation has to act collectively as a testator, the objects to which it applies itself in this case, are not within the compass of any law, or of any will or testament.

The rights of men in society are neither devisable, nor transferable, nor annihilable, but are descendible only; and it is not in the power of any generation to intercept finally, and cut off the descent. If the present generation, or any other, are disposed to be slaves, it does not lessen the right of the succeeding generation to be free: wrongs cannot have a legal descent. When Mr. Burke attempts to maintain that the *English nation did, at the revolution of 1688, most solemnly renounce and abdicate their rights for themselves and for all their posterity for ever*, he speaks a language that merits

Mr. Paine. not reply, and which can only excite contempt for his prostitute principles, or pity for his ignorance.

In whatever light hereditary succession, as growing out of the will and testament of some former generation, presents itself, it is an absurdity. A cannot make a will to take from B the property of B, and give it to C; yet this is the manner in which (what is called) hereditary succession by law operates. A certain former generation made a will to take away the rights of the commencing generation and all future ones, and convey those rights to a third person, who afterwards comes forward, and tells them in Mr. Burke's language, that they have *no rights*, that their rights are already bequeathed to him, and that he will govern in *contempt* of them. From such principles, and such ignorance, good Lord deliver the world!

But, after all, what is this metaphor called a crown, or rather what is monarchy? Is it a thing, or is it a name, or is it a fraud? Is it "a contrivance of human wisdom," or of human craft to obtain money from a nation under specious pretences? Is it a thing necessary to a nation? If it is, in what does that necessity consist, what services does it perform, what is its business, and what are its merits? Doth the virtue consist in the metaphor, or in the man? Doth the goldsmith that makes the crown, make the virtue also? Doth it operate like Fortunatus's wishing-cap, or Harlequin's wooden sword? Doth it make a man a conjuror?

conjuror? In fine, what is it? It appears to be a Mr. Paine.
 something going much out of fashion, falling into
 ridicule, and rejected in some countries both as
 unnecessary and expensive. In America it is con-
 sidered as an absurdity; and in France it has so
 far declined, that the goodness of the man, and
 the respect for his personal character, are the only
 things that preserve the appearance of its existence.

If government be what Mr. Burke describes
 it, “a contrivance of human wisdom,” I might
 ask him, if wisdom was at such a low ebb in Eng-
 land, that it was become necessary to import it
 from Holland and from Hanover? But I will do
 the country the justice to say, that was not the case;
 and even if it was, it mistook the cargo. The
 wisdom of every country, when properly exerted,
 is sufficient for all its purposes; and there could
 exist no more real occasion in England to have
 sent for a Dutch stadtholder, or a German elector,
 than there was in America to have done a similar
 thing. If a country does not understand its own
 affairs, how is a foreigner to understand them,
 who knows neither its laws, its manners, nor its
 language? If there existed a man so transcen-
 dently wise above all others, that his wisdom was
 necessary to instruct a nation, some reason might
 be offered for monarchy; but when we cast our
 eyes about a country, and observe how every
 part understands its own affairs; and when we
 look around the world, and see that of all men in
 it,

Mr. Paine. it, the race of kings are the most insignificant in capacity, our reason cannot fail to ask us—What are those men kept for?

If there is any thing in monarchy which we people of America do not understand, I wish Mr. Burke would be so kind as to inform us. I see in America government extending over a country ten times as large as England, and conducted with regularity for a fortieth part of the expence which government costs in England. If I ask a man in America, if he wants a king? he retorts, and asks me, if I take him for an idiot? How is it that this difference happens? Are we more or less wise than others? I see in America the generality of people living in a style of plenty unknown in monarchical countries; and I see that the principle of its government, which is that of the *equal rights of man*, is making a rapid progress in the world.

If monarchy is a useless thing, why is it kept up any where? and if a necessary thing, how can it be dispensed with? That *civil government* is necessary, all civilised nations will agree in; but civil government is republican government. All that part of the government of England which begins with the office of constable, and proceeds through the department of magistrate, quarter-session, and general assize, including trial by jury, is republican government. Nothing of monarchy appears in any part of it, except the name which

William

William the Conqueror imposed upon the English, Mr. Paine.
that of obliging them to call him “ their sove-
reign lord the king.”

It is easy to conceive, that a band of interested men, such as placemen, pensioners, lords of the bed-chamber, lords of the kitchen, lords of the necessary-house, and the Lord knows what besides, can find as many reasons for monarchy as their salaries paid at the expence of the country amount to : but if I ask the farmer, the manufacturer, the merchant, the tradesman, and down through all the occupations of life to the common labourer, what service monarchy is to him ? he can give me no answer. If I ask him what monarchy is ? he believes it is something like a sinecure.

Notwithstanding the taxes of England amount to almost seventeen millions a-year, said to be for the expences of government, it is still evident that the sense of the nation is left to govern itself, and does govern itself by magistrates and juries, almost at its own charge, on republican principles, exclusive of the expence of taxes. The salaries of the judges are almost the only charge that is paid out of the revenue. Considering that all the internal government is executed by the people, the taxes of England ought to be lightest of any nation in Europe ; instead of which, they are the contrary. As this cannot be accounted for on the score of civil government, the subject necessarily extends itself to the monarchical part.

When the people of England sent for George

Mr. Paine. the first (and it would puzzle a wiser man than Mr. Burke to discover for what he could be wanted, or what service he could render), they ought at least to have conditioned for the abandonment of Hanover. Besides the endless German intrigues that must follow from a German elector being king of England, there is a natural impossibility of uniting in the same person the principles of freedom and the principles of despotism, or, as it is usually called in England, arbitrary power. A German elector is in his electorate a despot; how then could it be expected that he should be attached to principles of liberty in one country, while his interest in another was to be supported by despotism? The union cannot exist: and it might easily have been foreseen, that German electors would make German kings, or, in Mr. Burke's words, would assume government with 'contempt.' The English have been in the habit of considering a king of England only in the character in which he appears to them: whereas the same person, while the connection lasts, has a home seat in another country, the interest of which is different to their own, and the principles of the governments in opposition to each other—To such a person England will appear as a town-residence, and the electorate as the estate. The English may wish, as I believe they do, success to the principles of liberty in France or in Germany; but a German elector trembles for the fate of despotism

potism in his electorate : and the duchy of Mecklenburgh, where the present queen's family governs, is under the same wretched state of arbitrary power, and the people in slavish vassalage.

There never was a time when it became the English to watch continental intrigues more circumspectly than at the present moment, and to distinguish the politics of the electorate from the politics of the nation. The revolution of France has entirely changed the ground with respect to England and France, as nations : but the German despots, with Prussia at their head, are combining against liberty ; and the fondness of Mr. Pitt for office, and the interest which all his family connections have obtained, do not give sufficient security against this intrigue.

DOCTOR PARR.

A Sequel,
&c.

UPON all reformatations, whether civil or ecclesiastical, I look not only to the wishes and to the arguments of individuals, but to the collective wisdom of the legislature.

In the earlier part of my life, I thought the test act oppressive; but in the year 1782, I very carefully and very seriously re-examined the subject, and changed my opinion. In 1790, I strenuously opposed the attempt to procure a repeal; and yet I cannot help indulging the comfortable hope, that in the progress of intellectual and moral improvement, religious animosities will at last subside, and that the restraints for which I have contended, and do now contend, will no longer be thought necessary for the public safety, by the heads of that church which I have never deserted, and by the members of that legislature which I have never disobeyed.

In the mean time, I think it my duty to distinguish between the private and the public characters, between the literary merits and the political singularities, between the substantial virtues and the occasional indecorums of those persons who may not agree with me in my religious creed; and, perhaps, if the same distinctions were now and then made by greater and wiser men than myself, the general tranquillity of the kingdom would not be less permanently secured, and the noblest interests

of virtue would be promoted more effectually. But let no man infer (for without uncharitableness, and without injustice, no man living can infer), that I am an advocate for latitudinarianism in the church, or a confederate with republicans in the state.

Dr. Parr.

There are in this kingdom men of no mean consideration for ability and rank, men whom I thoroughly know and sincerely regard, and by whom I am myself neither unknown, nor, I would hope, unregarded. These men, I believe, are not accustomed to charge me with any overweening fondness for sects, or any blind confidence in the leaders of sects. They are aware, that with great constitutional warmth of temper, I unite those habits of discrimination which gradually teach men to be impartial in opinion, to be temperate in action, and to accommodate the results of abstract speculations to the *real* state of man. Sometimes they may give me the praise of a little sagacity for discerning a greater or a less portion of bigotry, in every quarter, where I see any excess of zeal upon points of doubtful evidence, and, perhaps, of utility yet more doubtful.—But they have much oftener seen me assailed with good-humoured raillery, for some wayward propensities towards the sternness of toryism, when I resisted the vicious refinements of theory, and condemned all immoderate ardour for *sudden* and *sweeping* innovations, of which I neither perceive the immediate necessity, nor can calculate the distant consequences. They know that I ascribe the
most

Dr. Parr.

most intelligible parts of man's equality, and the best *security* for man's rights, to the wise regulations of society ; that I applaud one ancient philosopher for the preference he gives to the geometrical proportion adopted by Lycurgus over the arithmetical, which Solon, perhaps by compulsion, employed ; and that I concur with another great writer, in commending those political institutions, where *both* of these proportions are occasionally introduced, and judiciously attempered.—They know that, reverencing even the wilder eccentricities of a passion for liberty, I never would break down the fences of subordination ; and that, detesting priestcraft and kingcraft, under all disguises whatsoever, and for all purposes whatsoever, I would sooner perish than lend my assistance to the *abolition* of priests and kings.—Qualify, say I, and improve ; and, if there be real occasion, restrain ; but, *destroy not*. Anticipate change by *well-timed and well-proportioned* regulation ; but provoke it not by superfluous and precarious experiment *. Drive not away with a frown

* “ It is good also,” says Bacon, “ not to try experiments in states, except the necessity be urgent, or the utility be evident ; and well to beware that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation.”

They who complain of wise saws, and of what Cicero calls *ignavæ rationes*, in Bacon's Essay on Innovation, would do well to look for a clearer and steadier light in sir Matthew Hale's Considerations “ touching the Amendments or Alteration of Laws.” Upon all great subjects of policy and law, this great man,

frown even the visionary reformer, give the tribute of a hearing to the speculative recluse, but *act* not till your plan of action has received its last and best stamp of merit from the approbation of men whom practice in public affairs has not made callous to the public weal. Do not give either good men the inclination to subvert tumultuously, or bad men the power to undermine insidiously, what may be safely and advantageously preserved. Do not let loose the multitude to put forth their own enormous and irresistible strength, in vindication both of their own *ideal* and actual rights. Let governors be parties, and indeed leaders, in the improvement of government—let parliamentary wisdom and parliamentary authority be employed in parliamentary reform, not merely for the honour of parliament, but in conformity to the sober judgment and the solid interests of the people, for whom, and by whom, parliament subsists. Sooner or later this must be done, and this being done *well*, few things will remain undone, which ought to be done at all.

Dr. Parr.

Nam sic habetote, magistratibus, iisque qui præfunt, contineri rempublicam, et ex eorum compositione quod cujusque reipublicæ genus sit, intelligi. Quæ res, quum sapienter moderatèque constituta sit a majoribus nostris, etsi magna quædam et præclara, at non multa tamen, habeo, quæ putem novanda in legibus.

Vid. Cic. Fragm. p. 590, vol. 2, edit. Gruter.

man, as was justly said of him in the house of lords by another great man now living, "is no barren authority."

But

Dr. Parr.

But why should I shroud my meaning in dark and dastardly generalities? Some well-considered plan for a reform in parliament, with a just attention to every species of property, personal and real, and with little or no change in the circumstance of duration—the removal of every ensnaring ambiguity, and every oppressive partiality, on the subject of libels—the revival of the poor laws, the tythe laws, and the excise laws—the mitigation of the penal code—the regulation, but *not* the suppression, of the ecclesiastical courts—the regulation, *or* the suppression, of every corrupt and imperious corporation—the establishment of a more vigorous police—and, above all, a more serious attention of the legislature to the cause of education, both for the prevention of crimes, and the improvement of virtue—these are the objects which I have most at heart. Ashamed I am not of avowing them; because they loosen no one ancient bulwark; because they leave the crown, the peerage, and the church, nothing to fear; and because they give to the nation at large much indeed to hope. In the progress of political knowledge, the tories, as well as the whigs, of this country, may claim their share of improvement; and the result is, that each party has gradually retreated from those violent extremes, to which their respective principles may be supposed to tend, directly or indirectly. Indeed, I have myself the pleasure of knowing some enlightened tories who concur with me in thinking, that by the temporary union, or even by the generous emulation

tion of statesmen, in giving effect to the measures just now mentioned, our constitution would be preserved and invigorated. But they who comprehend *all the reasons* which occur to men of reflection for going thus far, are not entirely ignorant of first principles, and, by not venturing to go farther, they shew that their prudence is not oppressed by theory, nor their loyalty warped by patriotism.

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In respect to France, I distinguish with the acute, the humane, and the elegant Mr. Dupont, between the necessity of the French revolution, and the proceedings of the national assembly. Upon many of those proceedings I am at a loss to decide, because I hear such violent and contradictory reports about the characters of the agents, and the motives of their actions. In reality, the opportunities for information in this country are too scanty, and its channels are too impure, for the wisest men to determine on the justice of many detached measures; and in France the time has been far too short to ascertain their utility. But upon the more prominent features of the new government, an Englishman may now be permitted to speak with less hazard of error, and less offence to decorum.

Εἰνός εἰμι, σκότεινον ἀπέχων

Ψόγον.

Pind. Nem. 7.

For my part, then, I see much to lament, and much to condemn, in the ungracious act of wrenching from the crown the splendid prerogative of making war and peace, in the hopeless wreck of nobility,

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nobility*, in the withered honours of the dignified ecclesiastics, in the tumultuous election of prelates by their clergy, in the shattered fortunes of the exiles, and in that decree which ravished from primogeniture all its salutary, as well as all its noxious privileges, instantaneously and indiscriminately.

* Recollecting the heroes and patriots whose names adorned the history of France, I was shocked to find their descendants involved in the same sentence with those upstarts by whom peerage itself was disgraced in proportion as peers were multiplied. I must, however, confess, that a calm and well-informed observer convinced me, after much discussion, that upon the close of the late government, and even after the introduction of the present, no distinction could be immediately made with safety. Yet I most anxiously hope, that upon the first return of tranquillity, and even among the first conditions of reconciliation, it may be proposed, that the old peers be restored to a part of their ancient dignity; that, like the old Cortes of Castile, they may appear personally, or, like the Scotch peers, they may sit by representation, in the national assembly; and, above all, that they may collectively constitute a supreme court of judicature, similar to that of the lords in this country. History, I am sure, does not record, nor can imagination easily conceive, a tribunal with rules of decision so equitable and comprehensive, with sources of information so pure and so ample, or with such a spirit of impartiality, and such a dignity of character, as have long distinguished our house of peers. This momentous circumstance deserves to be well considered by those who, without offering any substitute for peers in their judicial capacity, contend for the extinction of the order. But, when the honour of nobles is treated as a visionary principle in political theories, a plain and direct appeal to the events of every session will crush the charge, and convince us, that in decisions upon the property of all citizens of all classes whatsoever, the honour of the highest class is a real and most efficient principle.

At

At the same time, more and greater subjects, not of blame, but of commendation, rise to my view, in some of the attempts that have been made to simplify that intricate, uncouth, and ponderous system of jurisprudence, which clogged the decisions of property, in the abolition of lettres de cachet, in the institution of trial by jury, in the mitigation of punishments, in the temporary power of controlment wisely reserved to royalty, in the inviolability no less wisely ascribed to the person of the king, in the plenary toleration granted to religious sects, in the respect paid to the doctrines and the ceremonies of the national church, in the provisions established for the more laborious orders of the clergy, in the principles, though, perhaps, not the immediate tendencies, of the measures which have been adopted for lightening the pressure of the public debt, and, above all, in the spirit, though not the entire detail, of those regulations *, which
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 give

* My opinion is, that the French people never were completely free. They obtained, it is true, an occasional and temporary mitigation of slavery through the contentions for power which at various times arose between the monarchs of France on the one hand, and the old noblesse and the clergy on the other. Such, too, in other feudal states have been the dawnings of liberty, where, as in France, its pure and auspicious light was soon involved in the gloom of despotism. They who attend to the history of France, must know that the commons in that country never possessed that effective share in legislation, which the commons in England have *gradually* acquired. The reader will see more on this subject in Bolingbroke's 15th Letter upon Parties. But, while I agree with Bolingbroke, that the commons of
 France,

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give real energy to the suffrages of the people in the uncorrupt choice of their own representatives for

France, assembled under the name of les états, never had any great weight in legislation, I maintain that the very act of assembling them, supplied a principle upon which they, in happier times, have founded a right to extend their powers. It is to be lamented, indeed, that after the administrations of Richelieu and Mazarine, no traces of freedom can be discovered in the government of France, nor does any attempt to discover them seem to have been made by Mr. Burke himself. Let those who think a peerage adverse to freedom, remember, that Richelieu and Mazarine completed the task of humbling the nobility, which had been begun, and with some interruption pursued, by former despots. I wish to see in our own country the peerage preserved, but not to see peers wantonly or insidiously multiplied. I wish to see them invested, not with teasing and invidious privileges, but with substantial and splendid rights. Indeed, by the spirit of the English constitution, they are the supporters, not the creatures of the crown. They are legislators for the people, but not their oppressors. They have a common interest with the people, and an uncommon obligation to preserve it. While their duties in public life thus assist in upholding the state, their manners in private life must be allowed to adorn society. Habitually conscious of a dignity which invites respect without imposing submission, they seldom wound the feelings of delicate and independent minds by the gross insolence of wealth, or by the overbearing arrogance of station. They are placed above those petty competitions for importance, and those petty incitements to tyranny, which we sometimes lament in the inferior ranks of our gentry. They are not more rapacious than other members of the community as landlords, nor more contentious as neighbours, nor more immoral, I would hope, as men. They at once are too great to be generally envied, and not great enough to be generally feared. Such, in favour of the English peerage, are the sentiments of a man, whose imagination, I trust, is not easily

for the permanent preservation of their own rights. Dr. Parr.
 I have no doubt as to the wisdom, or as to the
 justice,

easily dazzled by the glare of opulence, and whose spirit, I am certain, never shrunk from the frowns of power. From the natural progression of those causes which diffuse industry and wealth through society, inequalities will arise, and, having arisen, they will lead to distinctions of some kind or other. But to me it seems, that, in the circumstances by which the peers of England are separated from other citizens, and in those by which they are connected with them, feudal institutions have been so tempered and modified by the progress of civilization, and the diffusion of general liberty, as to justify every impartial well-wisher of his country in resisting all attempts to facilitate the subversion of peerage. Lord Bacon has wisely ascribed the imperfections of the Turkish government to the want of a nobility; and the history of our own kingdom, in the last century, exhibits a striking proof, that the despotism of republicans, like the despotism of monarchs, is more wild and more mischievous, when uncontrouled by that power, to which our forefathers were eventually indebted for much of their freedom, and which, if properly regulated, is more likely to preserve than to endanger our own. By the law of the state, nobles are protected as our equals; and by the law of opinion, they would cease to be our superiors, if they should ever presume to violate the established rules of civilized life.

The manners of Europe, which form so large a part of our social duty and social happiness, originated chiefly among the nobility of Europe. And even in the more improved and more equalized state of society, numerous gradations of rank are necessary to preserve those sentiments which soften the ruggedness of human character, and teach every man at once to respect the dignity of others, and to support his own. As the force of this sentiment is evidently weakened in the lower classes of the community, so, perhaps, in the opposite extremity, it is in some degree invigorated by the distance between our gentry and the
 VOL. II. P p noblesse,

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justice, or as to the expediency, of these alterations. There are, indeed, some subordinate and doubtful points of reformation, about which ingenuity has lavished conjecture, controversy has bandied arguments, and zeal has fulminated invectives, with little propriety and with little effect. But, when causes of greater pith and moment are in agitation, and when their effects are on the point of bursting upon our sight from every quarter, I would chain up all the little busy and fretful passions that hurry partisans into enquiries which have no clue, and into altercations which have scarcely any aim. To the mighty decision of experience I leave the ultimate event; not, indeed, without a fearful sense of the uncertainty which impends over all the judgments, and all the affairs of men; nor yet without a high

nobleſſe, and the yet wider diſtance between the nobleſſe and the crown. Refinement generally deſcends from the higher to the lower ranks; and its progreſs ſeems to be facilitated by the authority of illuſtrious example, and by the neceſſity which cuſtom impoſes upon us to recognize that pre-eminence, which is fixed by a known rule, and diſtinguiſhed by an appropriate name. But the habit, however it may be formed, embraces all the objects to which opinion has attached reſpect.

I doubt whether thoſe who would deſtroy peerage, be diſpoſed to endure monarchy in any form; and I am ſure that they who would extend Engliſh liberty upon the principles of the Engliſh conſtitution, will be careful not to drive a powerful order of men, upon principles of *ſelf-preservation*, into ſuch a confederacy with the crown as may prove injurious to that liberty. Upon the moral influence of nobility, I refer the philoſophical reader to Dr. Dunbar's moſt elegant and maſterly Eſſay on the Hereditary Genius of Nations.

and

and animating affiance, that partial evils will at last work together for the general good, that the noblest powers of the human mind will be called into action, and that the public stock of human happiness will be secured and enlarged. Dr. Parr.

But whatever may be the opinions I hold as to the justice of the late revolution in France, I have ever distinguished more carefully, and ever most earnestly entreated other men to distinguish, between the miseries formerly endured in that country, and the blessings now diffused through our own. In France, the government was morbid in its aspect, morbid in its extremities, and morbid in its vitals : and as to a constitution, the very remains of it have so long been mouldering in the grave, that even the monumental records of what it was are almost effaced from the page of history ; and the philanthropist vainly searches for the fatal spot, on which he may shed a tear of pity over the sacred shade of murdered freedom—I call not the shrunken and shapeless skeleton of authority preserved in the French parliaments, exceptions to this general observation. But in England, we have less to fear from the malignity of any distemper which may arise in the government, than from the unskilfulness or the rapacity of the physicians ; and of our constitution it cannot be unsafe to say, that *radically* it is *sound and vigorous*, and that hitherto it has exhibited no very alarming symptoms of rapid decay.

The excellence of all governments, said a great philosophical statesman (Mr. Fox), is relative. But

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to comprehend relations, where they are numerous, to separate them where they are complex, and to adjust them where they are discordant, is the province only of a few enlightened men; and well does it become those who may at any time undertake the stupendous work of reformation, to explore all the *difficulties* and all the *dangers* which hang over it, to purify their own minds from the polluting dregs of vulgar prejudice, and the intoxicating vapours of “science, falsely so called,” to judge of every question without partiality, and to proceed in every measure without precipitation. I do not, indeed, believe those who are now in power, with all their glittering talents and all their gallant professions, to be *such* men. But such men may at this moment be found in this country with little difficulty, and, with little hazard of confutation, I could point them out by name.

O yet a nobler task awaits your hand,
 (For what can war but endless war still breed?)
 Till truth and right from violence be freed,
 And public faith clear'd from the shameful brand
 Of public fraud.

Upon the first perusal of Mr. Burke's book, I felt, like many other men, its magic force; and, like many other men, I was at last delivered from the illusions which had “cheated my reason,” and borne me onward from admiration to assent. But, though the dazzling spell be now dissolved, I still remember with pleasure the gay and celestial visions, when my “mind in sweet madness was robbed of
 “itself.”

“ itself.” I still look back, with a mixture of pity and holy awe, to the wizard himself, who, having lately broken his wand in a start of phrensy, has shortened the term of his forceries ; and of drugs so potent to “ bathe the spirits in delight,” I must still acknowledge, that many were culled from the choicest and “ most virtuous plants” of Paradise itself.

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That the maladies of France had reached almost the last stages of malignity, and threatened a speedy dissolution of all government, it were folly to controvert. The very act of calling the third estate, is a proof, that the paltry tricks of political cunning, and the ordinary resources of political wisdom, were quite exhausted. The members of that assembly exceeded, I grant, the limits of their original commission: But, after every hardy assertion, and every wily misrepresentation to the contrary, it still remains to be proved, that, by confining themselves within the limits of that commission, they would have discharged all of the momentous duties for which they were appointed ; or that, being dissolved and sent back to their constituents in consequence of their avowed inefficiency, they would again have been summoned when invested with new powers, and probably for new purposes. If, then, the plea of necessity be admitted, as it often is, for occasional relaxation, or occasional rigour, in the course of *administering* governments, I see not why the same plea should, in all cases, be contemptuously scouted in the more arduous work of *reforming* them. Every great cause involves in itself some properties, which

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cannot be yoked by the common forms of interpretation. Every great situation is attended by circumstances too inflexible to be controuled by the authority of precedent. Were the representatives of the English nation *commissioned* to introduce septennial parliaments? No—But novelty has thriven to the full growth of custom, and usurpation has dropped its terrors under the sanction of public acquiescence.

With Mr. Burke I most heartily concur in admiring the prudence and the calmness of those illustrious statesmen who in this country conducted the revolution; and, in opposition to all the fashionable complaints which have lately been urged against them, I am persuaded, like Mr. Burke, that, by attempting to do more, they would have shaken the stability, and sullied the lustre, of that which they have already done well for themselves and for posterity. But the circumstances of England and France, at the æras of their respective revolutions, were so different, that what in the one would have been rash, may in the other be necessary. In England the throne was vacant: in France it was full. In England, the primary spring of all public measures was to supply the vacancy: in France, the heavy pressure of the regal power clogged the first efforts of reformation, and the machinery of the prevailing system was so complex, that neither patriotism nor policy could any longer regulate its motions. In England a bill of rights was prepared, which provided chiefly
against

against such disorders as had sprung up in a few preceding reigns : in France the evil had grown from age to age in bulk and in strength ; it had spread through a wider range ; it had borne more baneful fruit ; the root of it struck down to Tartarus, and its top towered almost into the skies. In England the claims of the crown were resented as usurpations, or dreaded as novelties : in France they were systematized into principle, and sanctioned by custom. In England the mischiefs which more immediately called for a remedy, endangered a good government : in France they almost constituted a government completely bad. In England despotism was an excrescence, which deformed only the surface of the state : in France it was a canker, which preyed upon the vitals. Upon the question whether James should be recalled, or William raised to the throne, the opinions and attachments of men were in England divided in proportions nearly equal : upon the question whether some form or other of a new government should be planned in France, some experiment be made which the existing laws did not entirely warrant, some improvements attempted which must wear the appearance of innovation, there was almost one heart and one voice.

All I mean to suggest by these remarks is, that Mr. Burke has been less successful than he usually is, in his choice of an instance to illustrate his objections to the new government of France. For, in his general opinion, upon the political and moral

Dr. Parr. importance of caution and moderation, he commands my firm and most sincere assent.

While Mr. Burke contends in favour of a limited monarchy, they who dissent from him more widely than I do, exult in the prospect of a mitigated and polished democracy, veiled under the more decent aspect of a mixed government. But, with a leaning, I fairly confess, in my wishes towards a *more solid substance, and a more magnificent form* of monarchy, than have lately appeared in France, I cannot subscribe to the black catalogue of crimes which Mr. Burke has charged upon all the motives and upon all the measures of the national assembly, often without discrimination, and sometimes, I think, without proof. The native candour of his own mind would not permit him to include *every* member of the assembly in his calendar of villany; and his exalted wisdom surely will now induce him to confess, that in the virtues of a few there is sometimes a latent and resistless energy to curb the violence of the many. I have already enumerated some regulations, which, as a philanthropist, Mr. Burke may survey without a pang; and which, as a loyalist, he may without a blush commend. But since the publication of his two great works, all Europe has been witness of an awful scene, in which the reformers of France have shaken off every odious imputation which may have clung to their characters as being unprincipled traitors, or unfeeling murderers. When good men shuddered at the possible consequences of the capture of the French sovereign;

sovereign; when, by turns, amazement overwhelmed, and pity melted, the mind of every distant spectator; when the haughty and inexorable advocates for regicidal tenets shrunk on the nearer approach of that spectre of vengeance, which their imaginations had arrayed in the robe of justice; then it was that the genius of France arose, and led in its train all the virtues which adorn the citizen and the man; compassion, gallantry, generosity, loyalty, a sense of private honour, and a sense of public duty. Then started up that determined phalanx of moderate men, whose wisdom, and whose vigour, arrested the impending storm; whose interposition, I trust, would again uphold the state, if it should again reel with any new convulsions; and whose influence, at this moment, silently controuls the jargon of visionary demagogues, and the machinations of factious clubs. These were men, such as the unsettled and perilous situation of France required; men, whose virtues were set in motion, and in appearance brought into being, by the shocks of empires; and who, in the midst of havock and disorder, by their authority struck down bad citizens with awe, and by their counsels hushed the warring elements of passion and interest into peace.

They know the times and the seasons. They have obtained a mastery over those petty and froward humours, which fester in debate, and rankle in the closet. They soil not the purity and splendour of genius, by exposing it too often to the garish eye of day. Disdaining to chase the caprices of public opinion,

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opinion, and to catch the momentary gale of public favour, they seize the public confidence by force, and wield the public strength by one mighty effort for one mighty purpose. They reverence their country in their laws, and their king they reverence for the sake of both. Their moderation, assisted by wisdom and magnanimity, teaches them what to suffer, what to prevent, when to forbear, and when to interpose. Their importance, instead of being squandered upon the fleeting occurrences of the passing day, is hoarded up for great occasions, where it may be felt as well as seen. Their courage is not dissipated in wanton attack, but collected for firm resistance. Their ambition is not tarnished by any base alloy of vanity. Their conscious rectitude looks for its reward, not in the plaudits of a tumultuous senate, or of a giddy populace, but in the calm and approving judgment of distant nations, and of a grateful posterity.

Happy were it for France, if, between these moderate men who do honour to the new government, and the more enlightened friends of the old, some communication could be opened, and some alliance effected. By mutual concession, they might reconcile the jarring claims of the contending parties. By mutual forbearance, they might heal the wounds of their bleeding country. By uniting the influence of all good men, collected from all parties, they might crush the pretensions, and blast the designs, of those adventurers who would deluge France with slaughter, whether they be patriots plotting for anarchy,

anarchy, or loyalists struggling for despotism. But Dr. Parr.
 such an auspicious change is hardly to be expected,
 while a Calonne broods over his intrigues, while a
 Bouillé hurls his menaces, and while the surmises
 and the reproaches of angry disputants keep asunder
 those worthy persons, by whose union alone that
 change can be accomplished.

It is not my design, be it observed, to engage as
 a professed champion in the controversy upon the
 affairs of France; and, indeed, I was led in this
 pamphlet, to the first mention of them, by personal
 rather than political considerations. Had I meant
 to appear as the antagonist or the advocate of Mr.
 Burke (and in any elaborate composition I must oc-
 casionally have been both), I should have felt it a
 duty to him and to the public to explore those mines
 of political and historical knowledge, from which
 he and his opponents have drawn their materials.
 Some of the books containing that knowledge have
 fallen, perhaps, within the circle of my reading;
 and some portion of the information they contain,
 is not wholly beyond the grasp of my humble abi-
 lities. But I have touched, and I meant only to
 touch upon these topics incidentally. However,
 having ventured to express some difference in opi-
 nion from a man esteemed so virtuous and so wise,
 I thought myself bound, in one instance, to assign
 my reasons; and with the same sentiments of habi-
 tual reverence for the same eminent writer, I shall
 take the liberty of glancing at two other subjects,
 on which I have not the happiness entirely to agree
 with him. The points to which I allude are, the
 indignant

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indignant distinction which Mr. Burke has set up between theory and practice, and the ardent wish which he expresses for a combination of European potentates against the national assembly of France. What I have to say upon the first, will, I fear, be thought dry and uninteresting by many readers; while, in my opinion, every mistake of such a man as Mr. Burke deserves serious examination, and derives an uncommon degree of importance from the uncommon and indeed the matchless talents of the writer himself.

Indolence often reposes, and declamation triumphs, in vagrant propositions, which are repeated so frequently, and advanced so confidently, that to dispute them carries the appearance of presumptuous paradox. Thus we are told of many political maxims, that they are at once true in theory, and false in practice. But this union of truth and falsehood in the same doctrine, applied to the same subject, is impossible; and the allegation of falsehood, when the doctrine refers to different subjects, is wholly impertinent and absurd. It shews only, that the doctrine does not include what it was never meant to include, without proving that what it does include deserves the imputation of being false. All truth consists in the relation of our ideas to each other, or in the conformity of those ideas to external objects; and wheresoever that relation or that conformity exists, the ideas belonging to either are unalterably just; and the proposition expressing those ideas must for ever be true. If, therefore, a proposition be true in theory,
it

it must, if made up of the same ideas, be equally true in practice, real or supposed, where the practice is correspondent to the theory ; and where it is not correspondent, no honest man would profess to argue without discrimination from the one to the other. Between propositions belonging to theory, and those that belong to practice, there indeed is often a close resemblance, but not a specific identity : and from that resemblance, probably, arises the opinion, that what is true in one, may be false in the other. But in this case, the proposition belonging to practice, and the proposition belonging to theory, are distinct and independent. Each may be true, when applied to its proper subject ; and each may be false, when applied to any other subject. The imperfection, however, lies not in the proposition itself, but in the application ; and the falsehood, to speak correctly, is to be found, not in the principles of the theory, but in the assumption that some given case rests upon the same principles. Mr. Paley has very ably shewn the dependence of our moral opinions and moral conduct upon general rules ; and Mr. Hume justly observes, that the chief difficulty lies in the art of applying those rules to the discovery of what is true, and to the observance of what is right in particular instances.

Now theory is a general collection of inferences drawn from facts, and compressed into principles. When, therefore, practice and theory are said to clash, we are not always to maintain that the theory is generally false ; but, that it does not include

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clude or provide for some particular case, to which it has been *erroneously* and injudiciously applied. The theory may be correct and comprehensive, though inapplicable to subjects which prejudice or passion has associated with it. Unusual is it for men to say, that what is true in practice is false in theory; and yet this position, though less familiar to our ears, is not more inadmissible to our understandings than the converse, that what is true in theory is false in practice. All practice may not be reduced to theory; but all theory, professing to be founded upon practice, and claiming the right to *regulate* it, is true or probable, so far *only* as it is supported by experience.

Again, Mr. Burke says (pages 91, 92), that some modern theories upon the rights of men, “ though “ metaphysically true, are morally and politically “ false.” But, aware as I am, in common with a great poetical dialectician (Dryden), and indeed with every novice in the art of logic, that “ fallacies “ often live in universals,” I cannot accede to Mr. Burke’s observation. True or false, are the expressions of the metaphysical properties belonging to any proposition upon the rights of men—Proper or improper, and just or unjust, are the expressions of the moral properties—Useful or pernicious, are the expressions of the political properties. In conformity to these distinctions, I should say, that many parts of Mr. Paine’s theory about the rights of men are false, when traced up into metaphysical abstraction; are unjust, when referred to moral obligations; are pernicious, when measured by political expediency;

diency ; or, in other words, the theory itself is false, because it does not correspond to practice, which it professes to regulate. But, while I reprobate some of Mr. Paine's opinions about the rights of man, I, like Mr. Burke (p. 86), do not in theory deny the existence of man's rights ; and in practice my heart is as far as Mr. Burke's or Mr. Paine's from wishing any one of his *real* rights to be with-holden. Dr. Parr.

Much, however, as in various instances I may condemn the language of Mr. Paine upon the rights of men, I cannot dissemble my concern at the "dreadful notes of preparation," which have been lately founded by *kings* about the rights of kings.

The book of an individual has little or no weight, except what it derives from argument ; and argument, if fallacious, may be refuted, or, if mischievous, may be counteracted by better arguments in a better cause. But when kings proceed to harangue in public and official documents upon the rights of kings, they speak in a tone of authority which is not to be slighted. The line of distinction is said to be already drawn by two foreign courts, between kings and subjects, nay, between kings and men ; between those who have no right to govern but as they protect, and those who are under no obligation to obey but as they are protected ; between those who neither govern nor protect the French, and those who in France are governed and protected by laws of their own, and a king of their own.

For

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For now sits expectation in the air,
And hides a sword from hilt unto the point
With crowns imperial, crowns and coronets,
Promis'd to Louis and *their* followers.

SHAK. Henry V.

But, in opposition to all the pleas of interference from the other powers of Europe, let Frenchmen, says common justice, decide the affairs of France. *Bella viri pacemque gerant queis bella gerenda.*

For many of the French noblesse “who worshipped,” as Mr. Burke most beautifully says, “their country in the person of their king,” and “whose blood,” as Shakespeare says not less beautifully, “is fetched from fathers of war proof,” I have a sincere veneration. Nor would I hastily and indiscriminately condemn the principle by which some of *them* are actuated in attempting a counter-revolution. The end may be honourable, though the means are execrable, and would lead, in the present case, not so much to the re-establishment of monarchy in France, as to the extirpation of freedom throughout Europe. In respect, then, to the menaces of foreign powers, I must say with Mr. Burke (p. 59), that “the arguments of tyranny are as contemptible as its force is dreadful.”

After all the intrigues of politics, all the devastations of war, and all the barbarous excesses of despotism which disgrace the annals of mankind, the black and lowering storm which threatens soon to overspread the face of all Europe, and to
overwhelm

overwhelm in one common ruin every loose remnant and every faint vestige of liberty, constitutes a spectacle equally new and tremendous.

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Even the tenets of Mr. Paine himself are yet less novel in theory, and yet less pernicious in practice, than the counsels of those sanguinary fanatics who would unblushingly and unfeelingly rouse the unsparing sword of foreign potentates, and point it without provocation, without precedent, without any other plea than will; without any other end than tyranny, against the bosoms of Frenchmen contending with Frenchmen alone, upon French ground alone, about French rights, French laws, and French government alone.

When it is urged, that princes from their relation to princes have a common cause, and a cause, too, it is *meant*, virtually paramount to the rights of subjects and of men, the obvious answer is, that they who are *not* princes have also a common cause; and the obvious consequence of that answer is, that if they are true to themselves, to their neighbours, and to their posterity, confederacy is to rise up against confederacy, and deluge the world with blood. Τὰς γὰρ τὰς πολιτείας καὶ αὐτοκρατορίας, καὶ μεθίστασθαι εἰς τυραννίδα, κοινὰς ἐχθρὰς παραινῶ νομίζειν πάντων τῶν ἐλευθερίας ἐπιθυμούντων. (Demosth. De Libertate Rhod.)

If indeed the threatened crusade of ruffian despots should be attempted, it will, in my opinion, be an outrageous infringement upon the laws of nations; it will be a savage conspiracy against the written and the unwritten rights of mankind;

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and, *therefore*, in the sincerity of my soul, I pray the righteous Governor of the universe, the Creator of men, and the King of kings, I pray HIM to abate the pride, to assuage the malice, and to confound all the devices, of ALL the parties, directly or indirectly leagued in this complicated scene of guilt and horror! this insult upon the dignity of human nature itself! this treason against the majesty of God's own image, rational and immortal man.

As to myself, and to others, who, like myself, express the terror and just abhorrence which they feel at this most unparalleled measure, when we are scornfully asked, why we express those feelings, we shall find our answer in Mr. Burke's philanthropy opposed to Mr. Burke's politics (p. 9 of his Appeal): "Is it inhuman to prevent, if possible, the spilling of Frenchmen's blood, or imprudent to guard against the effusion of our own," and in a cause, I will add, which, while Englishmen are Englishmen, never can be our own? For is it possible, that by the intrigues of courts, by the sophistry of ministers, or by the futile and hollow pleas of a guaranty in one place, and of alliance in another, the free-born descendants of free-born fathers can be persuaded to endure one tax, to unsheath one sword, to fall in with one measure, in opposition to the precious and sacred interests of general liberty?

Μὴ δῆτα, μὴ δῆτ', ὃ θεῶν ἄγρον σέβας,

"Ἰδοιμι ταίτην ἡμέραν.

Æd. Tyr. ver. 830.

Unless our constitution be, as dying Brutus said of virtue, “an empty name,” by the very spirit of that constitution, and by the force of a compact more solemn and more binding than the ties of any treaty woven in any cabinet, Britons eminently are, what the Athenians professed to be, the κοινὸν προσάται τῆς πάντων ἐλευθερίας, the guarantees of freedom itself, and the allies of all free men, throughout all the world—

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And, when they frown, it is against th' oppressor,
And not against the French.

SHAK. Rich. II.

The people of England, I am sure, then, are too gallant to engage in a war against such a nation in such circumstances. The parliament of England is too enlightened to approve of a war. The king of England is far too wise, too humane, too magnanimous, to propose a war.

But, warmly as I would oppose the project of Mr. Burke for the French monarchy to be restored by the exertion of kings, who, unless they have degenerated into tyrants, can have no real interest in its restoration, I sometimes pause in uncertainty, and sometimes shudder with fear, when the proceedings in France are holden up as a perfect model for imitation in England.

Different are the two nations in their manners and their prejudices, different in the privileges of their peerage, and in the rights of their commonalty;

Q q 2

different

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different in the power claimed, and the powers exercised by their kings; different in the forms of their government, and the principles of their constitution; different in their modes of religion, and even in their propensity to irreligion, I hope, very different. Keen therefore would be my vigilance, and stubborn my reluctance, in applying to the affairs of England those theories which are said to have been purely and completely realised in the new government of France. But, attached as I am, firmly and unfeignedly, to the fundamental maxims of the English constitution, I must confess, that not one of the late publications has given me the satisfaction, which at this crisis I anxiously wish to receive. Some writers, I observe, have turned our attention only to the darker side of government, scaring us with evils, which, I trust, have no existence, foreboding evils, which, I hope, never will exist, and exaggerating evils, which every impartial man will acknowledge and lament. Others have affected to wrap up in artificial mystery * all the powerful ties by which the government

* "A high tory," says Johnson, "makes government unintelligible:" but I will quote the whole passage, because I assent to almost every part of it, and because there is no part which does not contain judicious remark, and useful information.

"A wise tory and a wise whig, I believe, will agree; their principles are the same, though their modes of thinking are different."

ment of the country is connected with its prosperity ; and preferring the haughtiness of dogmatism to the drudgery of proof, they would drive away the eyes of the profane from contemplating those causes, which all have a right to examine, because all are daily and hourly interested in their effects. But this kind of language carries with it neither the plausibility of theory, nor the solidity of fact.

“ different. A high tory makes government unintelligible ; it
 “ is lost in the clouds. A violent whig makes it impracticable :
 “ he is for allowing so much liberty to every man, that there
 “ is not power enough to govern any man. The prejudice of
 “ the tory is for establishment. The prejudice of the whig is
 “ for innovation. A tory does not wish to give more real
 “ power to government, but that government should have
 “ more reverence. Then they differ as to the church.

“ The tory is not for giving more legal power to the clergy,
 “ but wishes they should have a considerable influence founded
 “ on the opinion of mankind : the whig is for limiting and
 “ watching them with a narrow jealousy.” Page 400, Boswell.

I insert this passage in consequence of Mr. Burke's remark (page 113 of his Appeal), that the British constitution is of too high an order of excellence to be adapted to common minds.

This surely resembles what Johnson said of the tory. But between men of shallow and superficial understandings, and men to whom Mr. Burke would allow wisdom and reflection, there is a numerous class of citizens, whose doubts deserve consideration. Possessing a common share of judgment, improved by the common advantages of education, they are not incapable of understanding “ many of the views which our
 “ constitution takes in, and many of the combinations which it
 “ makes.” They would recognise it, “ with the less enquiring
 “ in their feelings and their experience ;” and, assisted by such profound thinkers as Mr. Burke, they would also “ know it in
 “ its reason and in its spirit.”

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It may confound, but it will never convince. It may lull men for a time into supineness and insensibility, but will neither gratify their curiosity, nor allay their terrors in the hour of danger. Unquestionably, the spirit of enquiry is gone forth; and my hope is, that it may take a right direction, and lead us, as well to value and to perpetuate the blessings which we *now* enjoy, as to obtain, through the *concurrence of good government with good citizens*, other and greater blessings, if, indeed, *other* and greater blessings are placed within our reach.

From the incidental mention of these subjects, which have been discussed by Mr. Burke and Mr. Paine, and upon which I would be understood to state my opinions, without assigning the reasons for which I hold them, I will take occasion to inform the reader of the effect which I have felt from a third celebrated writer, to whom the attention of the public has been very much directed.

In the rapid and eccentric motions of Mr. Burke's mind through the vast and trackless spaces of politics, it often loses the power of attraction upon my own; and as to Mr. Paine *,
upon

* The part of Mr. Paine's book which interested and convinced me the most is, the very able narrative which he gives of the progress and circumstances of the revolution at Paris: but I cannot suffer "one truth," as Dryden says, "to support a thousand lying rhymes" upon abstract politics. I recognise in Mr. Paine, a mind not disciplined by early education, not softened and refined by a various and extensive intercourse with the world, not enlarged by the knowledge which books supply;
but

upon my first approach towards him, I was instantly repelled to an unmeasurable distance, and for

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but endowed by nature with very great vigour, and strengthened by long and intense habits of reflection. Acute he appears to me, but not comprehensive; and bold, but not profound. Of man, in his general nature, he seems only to have grasped a part, and of man as distinguished by local and temporary circumstances, his views are indistinct and confined. His notions of government are therefore too partial for theory, and too novel for practice, and under a fair semblance of simplicity conceal a mass of most dangerous errors.

For dignity composed and high exploit
He seems. His pen can make the worse appear
The better reason. But his thoughts are LOW.

In plain truth, I understand more by the English word "crown," than "a bawble kept in the Tower to be shewn for twelve-pence;" nor do I consider aristocracy "as having but one child; as begetting the rest to be devoured, and then throwing them to the cannibal for prey." The parent, whom Mr. Paine describes as so unnatural, is at least an affectionate nurse during the infancy of her offspring: she feeds it carefully, and clothes it warmly, before she turns it loose into the wide world. But to drop figurative language, the younger children of our nobility receive the same liberal education with the elder; and to me it seems, that, instead of subdividing in all cases a large fortune among those whom Mr. Paine's law would make equal, but whom nature has not made equal in corporeal and intellectual strength, and whom the equal expectation of independence would, according to their different capacities, make yet more unequal, it were better policy for them to be trusted with the creation of their own fortune, by their own merits in the army, in the navy, in the church, and at the bar. Perhaps in a commercial country it were well, if the old feudal

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for a time was content to view him, as philosophers look through a telescope at some dim and fullen

prejudices of the noblesse against commerce were extirpated, as partnership would supply the want of a large capital, and the families of nobility would gradually be blended in opinion and interest with the industrious classes of the community. But, without the aid of formal discussion, one plain tale shall put down Mr. Paine's strutting metaphor. Mr. Fox and Mr. Pitt are the younger sons of noblemen. As to the priesthood, I have seen it ridiculed with wit much keener than Mr. Paine's in the works of Trenchard and Gordon, and with eloquence more magnificent than Mr. Paine's, in the prose writings of Milton. I mean not, however, to palliate the prejudices of the clergy; and my opportunities for observing their causes and their effects have not been fewer, I suppose, than Mr. Paine's. But I also know their personal virtues; I know their usefulness in society; I know that in this country, they, upon the whole, are a most enlightened and valuable order of citizens; and in saying so, I am not influenced by selfish motives, as Mr. Paine would probably allow, if he were acquainted with the obscurity of my ecclesiastical station, and the scantiness of my ecclesiastical income. I am not well enough informed about the internal state of America, to determine how far Mr. Paine's opinions may be useful there in a nascent government. But when I consider the progress of arts, sciences, literature, politics, law, and religion in the settled governments of Europe, I suspect, that by the plan of Mr. Paine, instead of advancing to a more improved state of society, we should find ourselves retrograde towards that situation, which is commonly called a state of nature; or, at least, that we should sacrifice many of the brilliant and indisputable advantages which make us boast of living in a civilised and enlightened age. Quotation is my trade, and therefore I will not suppress some lines, which I once applied to the American reformers of English politics.

Protect

fullen planet whose orbit is at the remotest extremity from the centre. But in the middle and more temperate path which Mr. Mackintosh has generally pursued, I could often accompany him with pleasure; for, like the earth in the solar system, he seems neither to approach too near to the dazzling fountain of light, nor to recede from it too far. My friend, for I have the honour to hail him by that splendid name, will excuse me for expressing in general terms what I think of his work.

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In Mackintosh, then, I see the sternness of a republican without his acrimony, and the ardour of a reformer without his impetuosity. His taste in morals, like that of Mr. Burke, is equally pure and delicate with his taste in literature. His mind is so comprehensive, that generalities cease to be barren, and so vigorous, that detail itself becomes interesting. He introduces every question with perspicuity, states it with precision, and pursues it with easy and unaffected method. Sometimes, perhaps, he may amuse his readers by excursions into paradox; but he never bewilders them by flights into romance. His philosophy is far more just, and far more amiable,

Protect us, mighty Providence!

What would these madmen have?

First they would bribe us without pence,

Deceive us without *common sense*,

And without power enslave.

These lines were written in 1680, and are worth remembering in 1792.

than

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than the philosophy of Paine, and his eloquence is only not equal to the eloquence of Mr. Burke. He is argumentative without sophistry, fervid without fury, profound without obscurity, and sublime without extravagance.

My friend, I am sure, does not suspect me of wishing for the return of “that priestly craft, and “priestly domination, which would certainly replunge Europe into ignorance and superstition.” But he will excuse me for pronouncing a *most decided and a most unqualified negative* to the assumption of the national assembly, that “the existence “of ranks * is repugnant to the social union.”

On

* Mr. Mackintosh does not forget, that in the Roman republic there were distinctions of rank not merely among the patricians, knights, and plebeians, but among the *nobiles* and *novi*. “Hereditary characteristics attracted the attention of “mankind in some degree under all the ancient governments.” —Dunbar on the Hereditary Genius of Nations. See Dr. Taylor’s *Elements of Civil Law*, p. 179.

Among the Lacedæmonians there were personal distinctions of rank, though not hereditary, and the Greek word exactly corresponds with our English word *peers*. See Xenophon. *Hellenic*. lib. iii. cap. 3, p. 35. edit. Xunius, where the note is worth consulting. See also Palmerii *Exercitationes*, p. 69.

Mr. Hume in his *Essays* has often observed the similarity between the French and the Athenians; but he did not expect that in so few years after his death so striking and new an instance of resemblance would arise, as we have lately seen, in the language of the public assemblies—Frenchmen, is now the simple and dignified mode of address in the national assembly, like Men of Athens, in the Greek orators.

But the mode, in which they often address the king of the
French,

On the contrary, I am persuaded that hereditary as well as personal distinctions may, *under a wise legislature*, become the instruments of public good ; and that, without bringing back the rude state of society, which gave rise to the nobility of Europe, a principle of virtuous action, already excited (for I contend that it is excited) by the feudal institutions, may be adapted to the exigencies of a more enlightened and more civilised age.

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Again, I totally differ from my friend upon the origin and the tenure of ecclesiastical property, and in his description of ecclesiastics as mere pensioners of the state. He knows me too well, I am sure, to impute this dissent to the weakness and the selfishness of professional prejudice. But these, and a few other defects, if defects they be, are lost in the blaze of general excellence ; and they who reflect upon the just and luminous comparison which Mr. Mackintosh has drawn between the peers of France and those of England, may, upon farther consideration, be led to *other* solid and useful distinctions, upon other momentous and awful topics.

My meaning will be understood when I say, French, reminds me of the words which the grand justiciary, or head of the Ricos Hombres, was content to use *once* to the king of Arragon. " We, who are your equals, constitute you " our lord and king, on condition that you maintain our privileges and liberties ; if otherwise, not." Vide Millot's Elements of General History, vol. i. p. 195 ; and Sidney's Discourses, chap. 2, sect. 5.

that

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that I prefer two independent houses for legislative deliberation to one, and that in a king with the substance of the executive power, will be found a better guardian of the public weal than in the mockery of a pageant king with little more than the shadow.

My opinions upon the sacred duties and the venerable privileges of an English king, nearly coincide with those of Mr. Rous, and I am happy in this opportunity of acknowledging the pleasure I received from his late excellent letter to Mr. Burke. I am, however, compelled to dissent from this very judicious and patriotic writer, upon the extent to which he would stretch his principle of excluding the members of the legislative body from all share whatsoever in the duties and the emoluments of the executive government. I grant, indeed, that the more useful duties in the lower departments are well enough discharged by men “formed by the routine of office.” But I cannot admit, that the higher departments stand in no need of “minds splendidly endowed,” or that, when such minds engage in public affairs, “their paths are *ever* marked with ruin.” Great revolutions have usually been achieved by men of great abilities; but their success in turbulent periods is to be imputed to previous circumstances, and those circumstances gradually arise from the want of wisdom in persons who have directed the affairs of government in seasons of apparent tranquillity.

“To

“ To settle the imaginary balance of power, to
 impose a form of government upon one reluctant
 people, to adjust the limits of dominion to an-
 other,” are surely not the *sole* employments for
 which an English administration is destined. That
 the attention of our present governors has been too
 much directed to these narrow and mischievous
 objects; that their measures, whether successful or
 defeated, have been at once expensive without
 advantage, and ostentatious without glory; that
 they have multiplied our taxes without extending
 our commerce, and have *displayed* our strength
 without increasing our security, I readily allow.
 But, whilst government embraces the affairs, not
 of Great Britain only, but of Ireland, and of those
 remote colonies which it seems equally difficult
 to keep and dangerous to abandon; whilst there
 is a *real* as well as an imaginary balance of power,
 which every state must be concerned in preserving
 against the encroachments of every other state;
 whilst our domestic councils must, for the sake of
 our domestic safety, be sometimes engaged in
 watching the crooked machinations, and in curbing
 the restless ambition of foreign powers; whilst
 France is struggling for freedom, and other na-
 tions, after the example of France, seem dis-
 posed to shake off the yoke of despotism; whilst
 our public debt is so heavy, and our public in-
 terests are so complex and so extensive, the ta-
 lents which, under such circumstances, aim only at
 “ giving protection to a people,” ought to be of
 8 no

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Dr. Parr. no common order. Such, indeed, is the unquiet and, I believe, unprecedented state of Europe, so dark are the views, so mighty are the preparations, so discordant *will be* the *ultimate* interests of the European powers, that it is impossible to name a period, in which there was greater occasion for the greatest talents in all the branches of our own government, whether legislative or executive.

No general proposition can be more evident, than that without talents of considerable magnitude in the persons to whom the task of governing is committed, government itself cannot be either respectable or safe; it cannot, for a long time, direct the public opinion. It cannot employ the public strength to purposes of public utility. I will add too, that in a free government like our own, talents, if confined, as we have lately seen them, to one minister, are big with danger, though, if diffused through the various members of administration, they would give greater energy and greater dignity to every measure. Surely, it is not the excess of abilities in one quarter, but the want of abilities in many quarters, to which every impartial observer will ascribe our late disasters in war, and our present distresses after a long, though most precarious and unsettled, peace. To do evil is more within the reach of every man, in public as well as in private life, than to do good. And if persons of "secondary talents" alone be intrusted, as Mr. Rous wishes them to be, with the executive government, low ambition and low cunning,

cunning, “wielding the armies and navies of the
 “state,” would too often baffle the efforts of that
 legislative band in whom wisdom is combined with
 magnanimity.

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In the present condition of the world, good
 men may indeed wish, but wise men will rarely
 hope, for such a kind, and such a degree, of
 public spirit, as shall in men of distinguished
 abilities be *wholly* separated from views of per-
 sonal interest. If, indeed, the separation were
 effected, competition for popularity might split
 the senate into parties more powerful, and in the
 end more factious, than those which are formed
 by competition for office; and the favour of the
 people would *eventually* become a more dangerous
 source of influence, than the favour of the sove-
 reign himself. In their appeals to the public judg-
 ment, men in all popular states have been “em-
 “barassed with preconceived plans of personal
 “ambition,” in the *mildest* “acceptation of the
 “term,” and the greatest talents have been “em-
 “ployed” sometimes “in teaching the way of truth,”
 but much oftener “in perplexing, in confound-
 “ing, and in spreading a delusive cloud before
 “the eyes of nations.” This, indeed, would not
 have happened, if “their hearts had been purely
 “devoted to the public interest:” but experience
 forbids us to look for perfection in any number of
 public men.

Let me not, however, be suspected of infi-
 nuating, that men of transcendental ability press

to

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to the brink of corruption with a more rapid career, than those who excite less envy because they command less admiration. On the contrary, the more natural *tendency* of great intellectual endowments is, to rescue the heart from the dominion of coarse and selfish passions, and to fix it upon treasures less ignoble and less perishable than paltry pelf, which may be amassed without excellence and possessed without dignity. Even in the ordinary *effects* of those endowments we see a delicacy and elevation of sentiment, a habit of self-respect, a capacity for self-denial, by which men are happily preserved, at least from *very* servile compliances and *very* atrocious crimes. To such men, the consciousness of high merit filling the wide expanse of high station, the homage of the opulent, the powerful, and the noble, the music of popular applause, the anticipation of glory in ages yet unborn, nay, the immediate bustle of action itself, supply gratifications far too exquisite to be felt by the sordid slaves of avarice, the grovelling drudges of office, and the venal tools of power. While, therefore, public employments, in which the love of lucre is purified by the love of honour, are conferred upon public men, it can be no disgrace to individuals, that genius should not renounce the distinctions to which patient industry, superficial attainments, and even the mere mechanism of intellect, are permitted to aspire; neither can it promote the general good, that they who are capable of achieving the least, should be exclusively

exclusively invested with the privilege of receiving the most. Dr. Parr.

For my part, when I consider the general constitution and operations of the human mind, I am content to derive from the mingled frailties and excellencies of men, those effects which hitherto have not been produced by the influence of firm and steady virtue alone; and I sometimes rejoice to see the impetuosity of rampant ambition restrained by a concomitant passion, which looks, indeed, more *immediately* for gratification in less brilliant objects, but which clears off much of its own impurity by habitual association with passions of a higher order. When I farther consider the peculiar and distinguishing circumstances of our own country, I am not sorry to find, that through exertion in parliament is laid open an avenue to that public confidence, which usually concurs with causes less honourable in exalting men to employments in the state. But if the profits and the honours of political departments were quite inaccessible to men who would erect their fortune on the basis of their fame, those talents which now range through the wide field of politics would droop and languish in the *humbler* cells of office; or, being devoted to the views of the sovereign alone, they would be exerted in their *utmost force*, with little controul from the opinions, and little regard to the interests, of the people.

No institutions of man, however solid in their fundamental principles, and however beneficial in

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their general tendencies, can be fenced against the incursions of contingent evil. The advantages even of the best regulated monarchy are exposed to some interruption from the inflexible, but most salutary rule of hereditary succession. Yet, the personal defects of successors may be compensated by the choice of ministers, who have skill “to unfold the drift of haughty and hollow states,” “to settle” the conditions of “peace,” “and to move the main nerves of war in all its equipage.” On the other hand, if men of ordinary talents and ordinary powers huddle around the throne, they whom Bolingbroke calls the “lumber of every administration, and the furniture of every court,” will snatch some favourable opportunity of seizing upon the highest offices. But the crown itself, exchanging efficient ministers for agreeable favourites, will be unable to protect the rights of others, or to preserve its own. It will be equally unprepared against the treacherous calm and the scowling tempest. It will substitute suspicion for vigilance, obstinacy for steadiness, and laxity for moderation. It will neither accommodate itself to the gradual changes, nor support itself under the sudden revolutions of public opinion. Its spirit will at one time be abject, and at another supercilious. Its councils will be intricate or wavering, and its measures either languid from debility, or violent from unskilfulness. In the mean time, the errors of the sovereign himself will not be corrected, his passions will

will not be controuled, his caprices will be cherished instead of being overawed, his weakneſſes will render him a dupe to the craftineſs of his ſervants, and even his wiſdom, or his virtues, will point him out as an object of their jealousy.

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While, however, I contend for that rare commerce which gives and takes a luſtre from the throne, I allow, with Mr. Rous, that “legiſlation” is a very proper ſcene for great talents, and that “the ſcience of giving protection to mankind is” worthy to fill the moſt extended life.”

But my wiſh is, that the public duties may be diſcharged by the ſame men in their legiſlative and executive capacities, becauſe my opinion is, that, by the concurrence of their general intereſts, thoſe duties will, upon the whole, be diſcharged more effectually. Doubtleſs, the ſenate, like the vaulted firmament of heaven, ſhould be ſtudded with ſtars that twinkle, and ſtars that blaze, of every ſize, and in every direction. But if, in our political ſyſtem, the crown may, with any ſemblance of propriety, be compared to Jupiter, the firſt of planets in magnitude, let it not be made the leaſt in glory, nor deprived of the radiance it may borrow from its ſatellites.

Happy ſhould I be, if the catalogue of uſeleſs and expenſive places in this kingdom were much abridged; if the number of placemen eligible to parliament were fixed by parliamentary authority itſelf; if the offices they ſhould be capable of holding were ſpecified by ſome known and ſtand-

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ing rule; and if those offices were confined, strictly confined, to the most active, the most useful, the most arduous, and, therefore, with justice the most profitable parts of the executive government. But as for the total separation for which Mr. Rous contends, and for which I remember myself to have been an advocate some years ago, I despair of some of the good consequences which he has described with generous enthusiasm, and I foresee some bad consequences which have escaped even his keen penetration. While the crown has many emoluments to bestow, there will be many candidates; and among those candidates *secret* rivalry would be more dangerous, because more base, than a rivalry which is more open, and, therefore, restrained by some sense of shame. Speciously as placemen may betray, they receive their reward notoriously; and, therefore, the public eye is turned towards them with jealousy, nor will public indignation be wanting to hunt them down with infamy, when their apostacy from principle becomes flagitious. Though our senators were themselves thrust out of office, influence might yet exist, while they have uncles and nephews, while they have sons legitimate and sons illegitimate, while they have flatterers and dependents. And who knows but that, like a river forced out of its usual channel, and spreading itself through many smaller and more hidden streams, political corruption might gradually find its way to rapacious courtezans, to imperious matrons, and

That

That store of ladies, whose bright eyes
 Rain influence, and judge the prize
 Of wit and arms?—

At all events, the corruption which now circulates among the members of parliament would be diffused more widely among their constituents, and this surely would be to change a great evil for a greater. The senator is now a mixed character. He acts under a sense of different obligations, or, at least, from the impulse of different interests, all of which in their turn prevail. His attachment to the crown is in some measure controuled by responsibility to his constituents; and there are situations, in which he is compelled to do homage to public opinion, in order to secure the power of gratifying his private avarice. But the constituent is not subject even to this imperfect controul. Slight is the degree, and few are the occasions, upon which he feels responsibility to the country at large; and, if bound by personal interest to support the favourite measures of the crown, he will be disposed to elect such representatives as will secure to him the wages of his own corruption.

If the house of lords be not included in the regulation proposed by Mr. Rous, it would seize, perhaps, a monopoly of public profits, it would be more and more disposed to support the claims of the crown against the rights of the people, and would grow at once in strength and in corruption. On the contrary, if it *be* included in that regulation,

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tion, the effects, in a *mixed* government like our own, would be very formidable. The peers, being a fixed body, would silently collect such a firm and compact mass of independence, as at some moment might weigh down the balance either against the crown or against the people. The house of commons is, indeed, a fluctuating body; but, if its counsels were in no degree influenced by the offices in the disposal of the crown, it would, in my opinion, sometimes rise too high, and sometimes sink too low, in the scale of national importance.

Great virtues are usually the offspring of great occasions. Upon the first establishment of a government, the sense of public duty may be a sufficient motive of action, and animate the honest ambition of those who mean well to their country. But, in the ordinary course of human affairs, motives of less purity, and less vigour, will have their share in guiding the deliberations of every legislative body; and therefore I call that form of government the best, which meets men as they really are, and which, controuling by various means all their various principles, converts them ultimately into instruments of the public good.

Much has been said upon the excellence of our constitution, in the independence which it establishes among the component parts of our government; nor can it be denied, that in some degree they are, and in a great degree they ought to be, independent. But in practice there is a real and an intimate connection between them, which

which produces its good as well as its bad effects; and a theory balancing those effects is, I believe, at present a desideratum in the politics of this country. Instead, therefore, of considering them merely, or even chiefly, as mutual checks, I have of late been accustomed to view them as wheels facilitating the motion of each other in a vast and complicated machine; and into this train of thinking I was led by some profound and original observations, which Mr. Fox has occasionally dropped in parliament, and which shallow men have been disposed to impute to the perverseness of opposition, or the wantonness of paradox. But if Mr. Burke, in his projected treatise on the government of England, should erect a firm and a stately pyramid for the preservation of his own fame, from the summit of that goodly fabric we may hope to survey, under one distinct and capacious prospect, those splendid scenes which hitherto have been seen only in broken and disorderly parts, and by a dim and transient glimpse. In the mean time, I am compelled to allow with Mr. Hume, that the interest of the legislative body (which, by the way, I in some respects distinguish from the interest of the people) is restrained by the interest of individuals, and that the house of commons stretches not its power, because such an usurpation would be contrary to the interest of the majority of its members. “The crown,” says he, “has so many offices at its disposal, that, when
“assisted by the honest and disinterested part of the

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“ house, it will always command the resolution of
 “ the whole, so far, at least, as to preserve the
 “ ancient constitution from danger. We may,
 “ therefore, give to this influence what name we
 “ please. We may call it,” and sometimes we
 may justly call it, “ by the invidious appellation
 “ of corruption and dependence; but some degree
 “ and some kind of it are inseparable from the
 “ very nature of our constitution, and necessary
 “ to the preservation of our mixed government.”
 The difficulty, no doubt, lies in adjusting that
 degree; and here I confess, that “ extraordinary
 “ efforts will be required to support our free go-
 “ vernment under those disadvantages,” which Mr.
 Hume seems to apprehend “ from the immense
 “ property of which the crown disposes, from the
 “ increasing luxury of the nation, from our prone-
 “ ness to corruption, from the great power and
 “ prerogative of the crown, and from the com-
 “ mand of such numerous military forces.” To
 grapple with these difficulties successfully, requires
 an equal portion of honesty and of talent, in the
 executive and the legislative parts of our govern-
 ment, an equal spirit of moderation to concede,
 and of firmness to retain, an equal capacity for dis-
 cerning what may be conceded without dishonour,
 and what may be retained without danger. But
 they who would remove every existing and every
 approaching evil by those simple and more popular
 forms of government which have lately been pro-
 posed, would do well to consider, that by grasping
 at

at too much they run the hazard of losing what may be attained without any violent convulsion * of the state. “ Such is the nature of novelty,” says the philosopher above mentioned, “ that, when “ any thing pleases, it becomes doubly agreeable, “ if new ; and, if it displeases, it is doubly dis- “ pleasing upon that account.” Now, the tide of public opinion has of late years been turning fast towards monarchy ; and they who would force it back with excessive and sudden rapidity to the side of democracy will, I fear, aggravate and perpetuate the mischiefs which they profess to avert.

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The metaphysical opinions which in this country floated upon the public mind during the war with America, eventually took a stronger hold upon the fears, than upon the judgment, of well-meaning and well-informed men, and disposed them to throw themselves back upon the protection of the established government with all its acknowledged faults, instead of chasing remote or ideal

* My dread is not from systems themselves, but from the want of wisdom, and the want of moderation, in those who would hastily and indiscriminately drag them into practice. In the dreadful moments of public convulsions, experiments even of the most hazardous kind are not always unavoidable. But, at present, such is the peaceable situation of our country, such are the comprehensive principles of our own constitution, and such the salutary prejudices, as well as the sterling good sense, of our own countrymen, that we may justly look for those solid and permanent advantages which arise from the full maturity of moral causes, in the pursuit of which the zeal of reformation ought to be corrected by the calmness of philosophy.

advantages,

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advantages, at the hazard of tumult and with the certainty of innovation. They have reconciled us to the transfer of royal favour and public confidence, from the steady friends of the people, to the haughty, and at the same time the insidious, ministers of the crown. They have effected the portentous exchange of jealousy in the cause of freedom, for an indolent and even a servile indifference to the silent, though progressive, increase of that power, from which Mr. Hume predicts the euthanasia of the British constitution—a power, of which “the discontinuous wounds,” like those of some “ethereal substance,” are quickly closed and quickly healed, and which surviving alike the gradual decay and the sudden extinction of opinions, of customs, of religions, and of laws, seems by the irrevocable decree of nature herself to be destined for immortality.

In respect to the project of Mr. Rous, I would be understood to disapprove, not of the principle itself, but of the extent in which he would apply it; and the present condition of France confirms me in that disapprobation. By an undistinguishing and intemperate eagerness for the attainment of that perfection, which metaphysical writers have holden up to the admiration of a lively and gallant people, the government of France has been stripped of many solid supports, and decorated with some ornaments, which to me appear cumbersome and fantastic. When the intestine and external dangers which threaten France shall be happily removed,

moved, I flatter myself, that the government will gradually retire from those extremities to which it has been pushed by the ardour of experiment, by the violence of the prevailing party, by the necessity of spreading before the people the allurements of novelty, and by the yet stronger necessity of leaving no power in the hands of those who were bigotted in their attachment to the old and established principles of monarchy. But the jealousy now subsisting between the members of the national assembly and the ministers of the crown; the embarrassments which those ministers must ever meet in conducting the business of an extensive empire, under the restraints of an immediate and most irksome responsibility; the tried, and, it should seem, the acknowledged impropriety of public discussion upon many subjects of political detail; the necessity of referring those subjects to committees, which, after the fervour of novelty has cooled, will always be exposed to secret management and indirect corruption; the difficulty of obtaining official information, and the yet greater difficulty of enforcing speedy, vigorous, and faithful execution—all these circumstances conspire in convincing me, that the attempt has been made in France without success, and that the theory of a total separation between the legislative and the executive bodies is false; because, it is either incapable of being reduced to real practice, or, if practised, is injurious to good government. As to researches into the truth of that theory,

Dr. Parr. theory, merely *ex hypothesi*, I should read with pleasure the arguments by which ingenious men might support it, if they would fairly warn their readers, that they are writing like Plato in his Republic, or like More in his Utopia. In the investigation of physical causes, we depend much upon accident; the process of experiments themselves is slow, and the general conclusions to which they lead, long remain doubtful. But the force of moral causes lies more nearly within our reach; and there can be little hope of moral improvement, unless that force in all its various directions, and all its intricate combinations, be calculated again and again, and presented to the views of those who can bring it into action. Unhappily, the greater part of such men as govern the affairs of the world, are seldom trained to habits of investigation; and for this reason it is, that I maintain the necessity of high intellectual attainments in those who are to execute, as well as in those who are to controul, the councils of nations. For, amidst the fluctuating tempers and the varying interests of large communities, greater or less opportunities for practical application will arise, when the most accomplished statesman will find himself enlightened by consulting the storehouse of abstract speculation. Conducted as theory sometimes is, by men of ability and virtue, by a Locke, a Sidney, and even a Harrington, it is of general use, because it incidently throws some portion of light upon the real conduct of

of men, and the real interests of states. Thus, I grant that Mr. Rous has unfolded a most salutary principle; and sure I am that he will not be offended with me for endeavouring to give it a more sure and permanent effect, by salutary restrictions.

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Now, whether my opinion about the governments of France and England be well or ill founded, I certainly had no concern with those meetings for commemoration, which have been the objects of so much acrimonious invective, and the source, in my neighbourhood, of so many shocking depredations. I did not believe them to be illegal, but I thought them indiscreet; and therefore, without the smallest hesitation, and in the strongest terms, I more than *declined* two indirect sorts of invitation which had been sent to me from two different quarters. It is not for me either to justify, or to condemn, other men who acted from other motives. But, for my part, I was unwilling by any public overt-act to encourage rash and inconsiderate persons in *confounding* the events in France with the condition of England. I disdained to debase my character as a citizen and as a clergyman, by the slightest appearance of indecorum. I shrunk from the thought of irritating those passions, which it is my duty alike to assuage by precept and by example. While, however, I accede to the observation of Mr. Hume, that in the conflict of public opinions the most moderate are generally the most wise, I know, by my own melancholy experience, that they are not always the most safe.

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When "pity," as Antony says, "is choked with
 "custom of foul deeds," in vain would an honest
 man plead, "I am not Cinna the conspirator."
 "It is no matter," would the bigot and the rioter
 exclaim, "his name is Cinna, tear him, tear him;
 "come, brands, ho ! fire-brands."

Dr.

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THOUGH Mr. Mackintosh has done me the honour of quoting me twice in his book, I confess I am more than half inclined to doubt whether the publication of all his political tenets, in the present fermentation of men's minds, is to be defended on the ground of political expediency or advantage. I know the mildness of his disposition, and the purity of his intentions—I readily agree with you, that he is by no means so rude and undistinguishing a reformer as Paine! that his principles are more recondite, and his language much more proper and polished: yet there is in his, as in most of the books of reformation that I have seen, a hardier air of innovation, I think, than a common parent would hazard in the arrangement of so numerous a family. For, in all moral changes, the remote and unforeseen consequences are of much more importance than the immediate effect. A catalogue of great events produced by trifling causes, forms one of the most interesting and instructive little works (if a lesson of great humility may be deemed instruction) to be found in any language.

An architect builds a house in the most perfect symmetry, because he has to do with dead things: with wood, and stones, and other inert and passive materials! But the souls of men, with which the
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statesman has to do, are living spirits. These are materials which are to be treated with infinite delicacy. In transposing these, we must proceed gently, and by slow degrees, lest we move more than we can wield. In the moral world, a small spark oft-times kindles a mighty flame, which neither reason nor eloquence can subdue. When shall natural philosophers arrive at the art of moving the marble from the solid rock into arches and pillars, and other forms of architecture, by means of the projectile force of gunpowder? Scarcely is it less difficult for the moral philosopher to combine the awakened propensities and discordant views of millions, in one harmonious and permanent political system. But if the momentum of those propensities and views be not calculated with due exactness, the powder of passion, instead of raising a goodly political fabric, will cover the fair face of nature with volcanic ashes. Poets have ascribed certain edifices to the divine power of music; but the concord of sweet sounds is radically and essentially different from the angry passions. Harmony is creative! Discord destructive!

I allow that most, I cannot say all the ends or objects that our reformers contend for, are, in themselves, desirable. The point on which I am inclined, like yourself, to differ from this respectable body in opinion, relates chiefly to the degree of expedition with which it is proper and prudent to proceed towards their attainment. Nothing, in the general order of things, that is suddenly
done,

done, is well done. Great and comprehensive designs are carried into execution by means gradual, slow, and, to the narrowness of human views, even dilatory and tardy. This, as I observed, and you approved, in my last letter, is the process of nature, of providence, and of grace. From the conduct of divine grace and favour to all the Christian world, the French nation have deigned to borrow their emphatic metaphor of REGENERATION.—The kingdom, they say, is regenerated, or to be regenerated in all its powers, which, according to a very common and comprehensive division, may be reduced to those of willing, and those of acting. By the first, such laws are to be enacted as may produce the greatest possible public good; and by the second, those laws are to be carried into execution in spite of all obstacles arising either from internal injustice or foreign ambition. Can such a work be the work of a day or a year? Is the *regeneration* of the sacred writings, is the *new creature* in Christ Jesus formed by instantaneous and miraculous conversion? No: but, in all ordinary cases, by a succession of dispensations, calculated for the state or stage of the believer's mind, as he passes onward to moral perfection. At first, being wholly under the dominion of selfish passions, he is addressed by the law, denouncing vengeance on every worker of iniquity. He labours, therefore, to abstain from evil, and to learn to do well, from the humble and coarse motive, if I may say so, of fear of punishment, mingled with some faint hopes

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and glimpses of future reward : and in this state, he is under the discipline of Elias and John, whose baptism reaches only to the external impurities of evil actions. But afterwards, as he advances in his course, he is initiated, by the unction of the Holy Spirit penetrating the very essence of his heart and soul, as by living fire, into a sublime system of action, in which perfect love casteth out fear, and virtue and holiness are pursued on their own account, as well as for his sake in whom they were consummated, and who is at once their patron and pattern. The national assembly would have done well to have imitated the conduct of that sacred and wise system from which their favourite phrase of regeneration is derived. It would have afforded them other benefits besides that of a happy term.

In the Hindoo religion there is a trinity of deities, BRAMAH, CHIVEN, and VICHENOU : the first representing the power of creation, the second that of dissolution and destruction, the third that of preservation. In the allotment of one of those three grand departments, into which the universe is divided, to the god of destruction, do we not see the profoundest wisdom ? All things, existing in individuality, pass away. Dissolution precedes reproduction : both of these enter equally into the plan of the Almighty Ruler. Nor is it intended that there should be any thing violent or painful in the former, any more than in the latter. Such is the benign wisdom of HIM, with whom a thousand

years are as one day, and one day as a thousand years. While certain grand objects are advancing to their just completion, other inferior objects, which serve as steps to those, are also going on to theirs. The narrowness of our views, and the precipitancy of our spirits, hurry us into rash and violent actions; but in the order of nature, all is gradual and serene. Creative bounty is not more solicitous to raise new beings into life, than to lay those it has raised gently down, like ripe fruit, into their mother's lap, without pain. The cave of death is more terrible at the entrance than within. The last stage of gradual dissolution is not more painful than those imperceptible changes that went before it. A tree grows up to maturity in a certain space of time, flourishes in full strength for an equal period, and in an equal, or nearly equal, sinks down in total decay. An animal, in like manner, grows, flourishes, and decays by imperceptible degrees. Nature is slow, and, as it were, reluctant wholly to dissolve whatever she has formed. The withered branches and trunks of trees, the skeletons and bones of animals bleaching for many a year in the open air, mouldering towers preserving their forms for centuries after they cease to be inhabited: these striking objects declare that gentle and divine gradation which nature evidently affects in all her external works.

The moral world moves in an higher order than the natural, but in a similar ratio: one reason governing both. States, kingdoms, and empires

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have their growth, strength, and decay ; and, while they pass on, like natural bodies, from form to form, it is the duty of legislators, in imitation of divine wisdom, to be as tenderly concerned for their last stage as for their first.

It does not seem to be the part of wise statesmen to create, so much as to improve governments. As there are various seeds profusely scattered over the external face of nature, so there are various sources of civil and political societies. And as the husbandman only pretends to cultivate, not to create the seeds of vegetables, so in like manner it is for the interest of human societies that statesmen, instead of forming at once the very stamina or essence of new governments, by a process sudden and violent, should make the most of the old in the mean time, and assimilate them, according to the general œconomy of nature, by slow degrees, to the most approved forms that even metaphysical policy can devise.—Such forms may serve legislators in the same manner that mariners are benefited by the polar star ; by which they are directed, but to which they never can approach.

But, to return to the comparison drawn from the cultivation of seeds. It has been found, on trial, and that too by the ablest men, that it is almost as difficult for the legislator to form, *à priori*, and without feeling his way by means of the thread of experience, a happy constitution of government, as it would be absurd for a gardener, or husbandman, to attempt, by a mixture of natural elements, to form

form an apple or an acorn. As the nature of a seed is best discovered by its developement into an herb, shrub, or tree, so the principles of government are best understood when they are contemplated in their action, effect, and full expansion. In the moral, as well as in the natural world, the thing that has been is that which shall be, and there is no new thing under the sun. I cannot but think that the following fact, if it were brought to the recollection of our bold reformers, would stagger them not a little. The first settlements in North and South Carolina were begun a few years after the restoration of king Charles the second. A grant of these provinces was made to several noblemen and other persons of rank, who employed the celebrated Mr. Locke to form a system of government and code of laws for their new colony. Mr. Locke did so. But, it is certain, that however accurately he may have reasoned on general principles, the settlements did not thrive under his institutions, though supported by the wealth and influence of their rich and powerful proprietors. Nor did they ever begin to prosper, until government, many years afterwards, resumed the grants, took the colony under their own immediate protection, laid aside the institutions of Mr. Locke, and gave the inhabitants a constitution similar to that of Virginia: from which time to the present, their advancement in improvement has been as rapid as it was before slow and unpromising.

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Another example of the folly of venturing too

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boldly in matters where life, opinions, and manners are concerned, on abstraction, and of the wisdom too of returning from such aerial flights to the palpability of experience, has been exhibited to Europe and the world, in our own times, by the present great and immortal empress of Russia. It is well known, that this princess wished to introduce freedom into her vast dominions, with equal effect and expedition. But the predial slaves, unaccustomed to make any distinctions between equal liberty and the most complete licentiousness and anarchy, threatened the murder of their masters, and the subversion of all regular government. What course then did the empress follow? She did not abandon her object, but had recourse to the guidance of history; from which she learned, that liberty, in different proportions, had been introduced into the different kingdoms of civilized and polished Europe, by granting, from time to time, gradual and partial privileges to the peasantry. She established hospitals for the reception of poor children, whom she would have a right to set free, because she would be at the expence of their maintenance and education. She built the town or burg of Sophia, in which any slave, if he should be able to make compensation for his freedom, might find an asylum from the tyranny of his lord.—Without losing sight of the sublimest ends, to be brought about by gentle means, in the progress of time and accidents wisely improved, the enlightened, liberal, and humane politician admires
and

and imitates the conduct of the empress of Russia, who goes on in the government of her great empire with a kind of flexible firmness, wisely aiming at the controul of future, by yielding, in some measure, to present circumstances and events. Such a sage and humane politician is Dr. Ogilvie, professor of humanity at Aberdeen; who, in his Essay on the Right of Property in Land, has laid down a plan that may multiply the independent cultivators of the soil, and thereby increase the population, wealth, and comfort of the nation, to a degree beyond the utmost flight of commerce, by a progressive agrarian, to be enlarged according to accidental and favourable circumstances, without the smallest degree of confusion, and without doing the smallest injury, either to the proprietor of farms, or to the present occupant. This is the reform of a moral philosopher and a gentleman.

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States are often compared to ships. The French, it has been said, quitting the coasting navigation of the ancients, have launched forth into the wide ocean of possibility, committing their safety to the polarity of reason. But how far the French, in losing entire sight of the shore, have acted wisely, may justly be questioned.

Rectius vives, Lucini, neque altum
Semper urguendo, neque, dum procellas
Cautus horrescis, nimium premendo
Litus iniquum.

HOR. lib. ii. od. 10.

It is equally improper to creep along too near the treacherous shore, and to bear for ever on the

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faithless deep. In political, as in maritime affairs, a free and noble course may be shaped with a sound vessel, an able pilot, and a prosperous gale. But when the tempest brews, and the face of heaven lowers, it is prudent to run into the nearest harbour. If the port be any wise tolerable, make the most of it you can. Deepen it, enlarge it, extend moles into the sea, introduce rivulets for clearing and filling it, even from the greatest distances : try a thousand expedients rather than commit anew your perishable bark to the troubled and enanguined ocean of total anarchy. It is in improving what we have, rather than in casting about for new settlements, that genuine philanthropy and patriotism are usually found to consist.

That all men are equal by nature, is a fiction that may be innocent enough, so long as it is not made a lever for subverting constitutions that have actually grown up and flourished in inequality. It would be more philosophical to say, that “ the law is equal for all men,” than that “ all men are equal by nature :” for laws are abstracted or ideal things, which alone, as every metaphysician and every geometrician knows, are susceptible of perfect equality ; whereas men, and all other natural objects, exist in individuals. It may be said, that if all men are not equal in fact, yet they ought to be considered as equal, or at least as possessing equal rights. But neither is this doctrine even morally or metaphysically true. Sound policy often can recognize no other right than that of long and uninterrupted

uninterrupted occupancy. But if a nicer and more general foundation of property exists, on what is it founded? If it be said, Providence, equally concerned for all his children, bestows equal rights and privileges on all, it is most obvious to answer, that neither are equal rights and privileges, in fact, extended to all men; nor human happiness greatly, if at all, affected by the circumstance of disparity of rank in life. Shall it be said, after all, that men *ought* to have equal privileges? I reply, that there can be no reason given why there should not be diversities of stations, as well as there are diversities of orders, or species of beings. There are different degrees of liberty and property enjoyed by different nations, and, in the same nation, by different individuals. But there is no human state in which a certain degree of enjoyment is not found; none in which there is not room for the exercise of virtue; none that is entirely excluded from hope, the greatest balm of life, either in the lowest or the most exalted stations.

Distinction of rank and situation arises out of human nature, and redounds to human happiness and grandeur. Were he who can turn the hearts of men like streams of water, to pour the souls of a whole nation into one smooth and limpid pool, the even tranquillity of the aggregate mass could not, without a continued miracle, be lasting. Winds and storms of passion would soon agitate the face of the troubled waters. Foreign invasions and domestic injuries would call forth the virtues of
courage

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courage and justice: and the hero, the legislator, and the judge, attract the gratitude, the esteem, and the reverence of his countrymen. The sacred shade of admiration which accompanies the benefactors of mankind during their life, is extended in the imaginations and hearts of men, to their posterity. All other circumstances being equal, or but nearly equal, the son of the good and great man, even in the rudest tribes, carries the votes over the descendant of the undistinguished barbarian. As society advances towards civilization, the advantage of regular government, and hereditary succession to various offices and immunities, over tumultuary elections and sudden decisions, becomes more and more apparent. Divers orders, classes, or castes of men are formed, and the moral world is varied by such a waving line as that which, winding horizontally, or rising and falling along mountains and vales, conducts and distributes the influences of heaven, and variegates the whole aspect of external nature. It is, happily, such a waving line, and not the parallelograms and acute angles of Dutch parterres, that is still the REIGNING taste in ENGLISH GARDENING.

By this happy constitution of nature (for that it is the constitution of nature all history bears witness), different stations are allotted to different people. A sense of honour animates the man of birth to honourable achievements; the hope of distinction, the plebeian to distinguished actions: the convulsions incident to democracy are controuled,

trouled ; and the fabric of government, on which depends all that gives comfort, elegance, and dignity to life, is consolidated and strengthened. Instead, therefore, of wholly subverting monarchy, it becomes us to co-operate with the gracious will of Providence, the only solid basis of moral obligation : —it becomes us to cherish a spirit of reverence of the laws among the people, and to temperate the authority of kings by knowledge, by sentiments, by manners, and by the gradual introduction of counter-checks in the exercise of government.

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Some people are so zealous in the work of political alteration, that they make no account of the present generation, but are intent solely on the convenience and comfort of posterity. I do not, with the honest Irishman, ask, What good ever posterity did to us ?—but this I say, that we see only a short way into futurity. Evils, as well as blessings, await posterity that we little think of. Let us chiefly mind the matters that are immediately before us. Let us encounter the labour and the danger of removing present and pressing calamities. Sufficient for the day is the evil thereof. I am not an enemy to political reformation : God forbid ! But all political reforms should be progressive and gradual. And it is surprising in how short a time the steady and comprehensive eye of political prudence accomplishes her designs, by watching and improving situations, occasions, and conjunctures.

The city of London contains many dirty closes and lanes ; but it also contains many noble streets
and

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and squares, though it be not built according to any regular plan of architecture. A wise government will gradually assimilate this great metropolis to some such form, by taking advantage of the decay of streets, the falling in of houses, and accidental fires; but will be very cautious of adopting any scheme that might overturn its fairest fabrics, or involve a general conflagration. This, one would imagine, is nothing more than COMMON SENSE!!

And now, my dear and most respected friend, I shall, in a very few words, apply all that I have been driving at in this political effusion.

Mr. Burke (though he errs perhaps on the safer side) pays too much respect to established institutions; Mr. Paine far too little; and even our friend Mr. Mackintosh, not enough to satisfy you or myself. Upon these points we are agreed. But, in my opinion, though not entirely in yours, the exact medium has been hit upon by M. de Calonne; whose advice if his countrymen had followed, or would yet follow, with such additions and qualifications as moderate men would approve, they would not, with the example of the English constitution before their eyes, prefer a two-footed stool to a tripod.

THE END.

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